Title: Discussion regarding resolution passed by Jammu and Kashmir Legislative Assembly for Autonomy.(Not concluded)

1607 hours

MR. CHAIRMAN : Before the House takes up this discussion, I have an announcement to make.

श्री अनंत गंगाराम गीते (रत्नागिरी): स्भापति महोद्य, मैंने इस व्िाय पर न्ियम 184 के अंतर्गत नोट्िस द्िया है। मेरे नोट्िस का क्या हुआ, मैं जानना चाहता हूं?

स्भापति महोद्य (श्रीमती मार्ग्रेट आल्वा) : अभी तो रूल 193 के अंतर्गत चर्चा हो रही है। मुझे पता नहीं, मैं पता करूंगी।

I may inform the House that Shri Vilas Muttemwar, in whose name the item is listed in today's List of Business, has in his letter of today requested that Shri Madhavrao Scindia may be allowed to initiate the discussion on the subject in his place, and the Speaker has acceded to Shri Muttemwar's request.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Madam, I do not mind Shri Madhavrao Scindia speaking, but my request is that this should not be taken as a precedent in future. I do not mind his speaking at this juncture as an exception.

MR. CHAIRMAN: The Speaker has taken this decision.

1608 hours (Mr. Speaker *in the Chair*)

SHRI PRAMOD MAHAJAN: I am not saying that he should not speak now.

SHRI VAIKO (SIVAKASI): When a Member's name is mentioned in the List of Business, common practice is that he should initiate the discussion. If he is not in a position to do so, the second name should be called.

MR. SPEAKER: I have given him permission to speak.

SHRI PRAMOD MAHAJAN: I am not objecting to it. I am saying that it should not be taken as a precedent for discussions in future.

श्री अनंत गंगाराम गीते : अध्यक्ष जी, आप न्ियम 193 के अधीन चर्चा कर्वा रहे हैं। मैंने इसी व्िाय पर न्ियम 184 के अंतर्गत नोट्िस द्िया है। मैं जानना चाहता हूं कि मेरे नोट्िस का क्या हुआ?

MR. SPEAKER: Let me find out about it.

SHRI MADHAVRAO SCINDIA (GUNA): Mr. Speaker, Sir, on the 27th of October, 1947, Maharaja Hari Singh signed the instrument of accession making Jammu and Kashmir an integral part of Indian Union. May I say, Sir, that this is an irreversible and accomplished fact. The history of Constitutional developments after that date too are well-documented − the appointment of Sheikh Abdullah in 1948 as Head of the Emergency Administration; the appointment of Yuvraj Karan Singh as the Regent in 1949; the summonning of the Constituent Assembly by the Regent in 1951; the elecion of Karan Singh as Sadr-e-Riyasat and Sheikh Abdullah as Prime Minister in 1952, and his subsequent dismissal and arrest; and the appointment of Bakshi Ghulam Mohammad; the culmination of the Constituent Assembly in 1956 and the coming into force of the Kashmir Constitution; and later in 1963 the regimes of Khwaja Shamshuddin and G.M. Sadiq.

What I am trying to say is that through this period, many Central Acts and Constitutional provisions became applicable and extended to the State of Jammu and Kashmir with the full concurrence of the Jammu and Kashmir Assembly.

It began with the promulgation of the Constitution Order 1954 and was followed by the extension of the jurisdiction of Customs, Central Excise, Posts and Telegraphs. In 1960, the Supreme Court was given powers to entertain Special Leave Applications; and the supervisory role of the Election Commission was also allowed through elections though elections continued under the laws of the State. Articles 356 and 357 of the Indian Constitution were extended in 1964 and some Central Labour Laws were also there.

All that took place between 1947 and 1975, and then also between 1953 and 1975 were taken into account before the conclusion of the 1975 Accord between the nominees of Shrimati Indira Gandhi and Sheikh Abdullah. And, Shrimati Gandhi had this to say in Parliament on the 24th February, 1975. It is important to quote these things because the spirit of the time is reflected in these quotes. There was concern at that time too; there were aspirations at that time too. But after having threadbare discussions on a cross section of the subject, an Accord was signed. And, I quote what Shrimati Gandhi said in Parliament on the 24th February, 1975:

> "Sheikh Abdullah was very anxious that to start with, the Constitutional relationship between the State and the Centre should be as it was in 1953 when he was in power."

"It was explained to him that the clock could not be put back in this manner. Mirza Afzal Beg pressed for the transfer of provisions relating to fundamental rights to the State's Constitution, the removal of the supervision and control of the Election Commission of India over elections to the State Legislature and the modification of Article 354 to require the State Government's concurrence before imposing the President's Rule in the State. It was not found possible to agree to any of these proposals. " She went on to say:

> "I must say to the credit of Sheikh Abdullah that despite his strong views on these issues, he had accepted the agreed conclusions."

In consequence of this Accord, Sheikh Abdullah became the Chief Minister. Here, I would like to point out that the Congress party is a political party but it is a political party which believes in subordinating any partisan views to the larger national interest.

An outstanding example of this is the follow-up to this accord when Sheikh Abdullah became the Chief Minister without a single National Conference Member in the Assembly, the Congress Chief Minister, with a full majority, stepped down in the national interest in accordance with the Accord, gave up his seat and asked all Congress Members to support Sheikh Abdullah as the Chief Minister of the State. I think, this was an outstanding example of how all political parties must in the ultimate analysis when it come to the crunch subordinate their partisan views and requirements to the larger national interest.

SHRI ALI MOHD. NAIK (ANANTNAG): The 1975 Accord was broken by the Congress Party.

SHRI MADHAVRAO SCINDIA : I must say that the spirit of sacrifice is conspicuously absent in the handling of the current crisis.

After 1975, all Union Congress Governments had adopted this national outlook and the situation of normalcy had been regained. But it was shattered in the aftermath of the demitting of office of the Rajiv Gandhi Government in November-December, 1989. The beautiful Valley of Kashmir, I may point out, had in the golden autumn of 1989 received the largest number of tourists. Within one week of the V.P. Singh Government taking over, the whole Valley was up in flames, the then Home Minister's daughter Rubaiya was kidnapped and atrocities by militants and misguided youths against sections, especially the Kashmiri Pandits leading to their exodus began. This community has also made a tremendous contribution to Jammu and Kashmir and it is sad that they had to leave their homeland. The Government of that day could not handle the situation. Even today, many of them are living in pitiable conditions.

The 1991-96 Congress Government determinedly fought off insurgency stoked from across the border and restored enough and sufficient normalcy to bring about the Congress-National Conference agreement in 1995 where the National Conference agreed to participate in the elections. The National Conference got a two-thirds majority in the subsequent elections and announced that they would suggest further proposals for autonomy.

But how do you define `autonomy'? The contours are different to different people. If `autonomy' means `devolution', `decentralisation', `greater financial powers' or `greater powers to the panchayats and local bodies', by all means have a dialogue on autonomy but no autonomy that borders on or comes anywhere near the term that is referred to as `secession'. We are extremely clear on that.

SHRI ALI MOHD. NAIK (ANANTNAG): We want only autonomy. ...(*Interruptions*) We want to be a part of India with autonomy.

MR. SPEAKER: Shri Naik, please do not disturb.

SHRI MADHAVRAO SCINDIA : In the follow-up, the State Government set up two Committees − the State Autonomy Committee and the Regional Autonomy Committee. Both the Committees had a rather chequered career right from their commencement with Dr. Karan Singh resigning as Chairman of one Committee and Shri Balraj Puri resigning as Chairman of the other.

They were replaced, of course, by Shri Moinuddin Shah and Prof. Riyaz Panjabi.

Whilst asking for this discussion yesterday, my very respected and hon. friend, Shri Mulayam Singh Yadav raised some points about Dr. Karan Singh. I am sure that he himself was confused on the situation. I will not accuse him of having tried to mislead the House. He is too senior and a respected Member, for that. But I would like to clear that confusion. He said that Dr. Karan Singh, the Chairman of the Autonomy Committee − without mentioning the fact that he had resigned and joined the Congress Party − was a Congress leader and thereby, linked the Congress Party in an inferential way, with this Autonomy Committee.

I would like to clear this misconception. This Committee was appointed on 29th November 1996. Dr. Karan Singh felt that the whole attitude was to produce a maximalist report. There was a push towards producing a report, in a particular manner; and so, he resigned − not many months down the line. He was appointed on 29th November 1996; he resigned in July 1997, within seven months of his appointment. The report of the Committee came two years later, in April 1999. Dr. Karan Singh, of course, joined the Congress Party on the 6th of August 1999, even later than that. Subsequently, he was the Congress candidate against the Prime Minister, Shri Atal Bihari Vajpayee. I do not have to remind the House that at that stage, the Samajwadi Party absolutely refused to withdraw its candidate to allow a one-to-one fight against the Prime Minister, Shri Vajpayee in Lucknow. I am just trying to set the record straight.

Shri Farooq Abdullah has also changed his mind several times. One day he says something and the next day, he says something else. He is a very good friend of mine and I have got a lot of affection and respect for him. Sometimes, he says that he wants a pre-1953 situation for Kashmir and at other times, he says that there is no *Lakshman rekha.* But if he was to take the trouble to read the autonomy document in detail, the implementation of which he is asking for, *in toto*, then, in effect, it overtly or covertly takes you to the pre-1953 position in many of its aspects.

What are the recommendations? Amongst the recommendations, the matters in the Union List, not connected with the three subjects of Defence, External Affairs and Communications and or ancillary thereto, but made applicable should be excluded from the application to the State. That means, everything that is being done in the last 30 or 40 years should be wiped clean. It also says that modifications made in article 246 in its application to the State, subsequent to the 1950 Order should be rescinded. It talks about this in an earlier paragraph, where it says," that at this stage, it would be pertinent to mention that article 246 in its original form clearly laid down that in relation to the State of Jammu and Kashmir, a reference to clauses 2 and 3, in clauses 1, 2, 3 and 4 of the article shall not apply. This made the existence of the State and Concurrent Lists, only a matter of theoretical interest for our State." Sir, it was always considered proper and amendments were made to this effect with the full concurrence of the State Assembly that whenever there is an irretractable situation in the Concurrent List where reconciling is impossible of the two views, Parliament will override what the State Assembly says. This is attempting to put the clock back again. It is going back not just to the pre-1953 situation but going back to the 1950 situation. There is talk here of articles 355, 356 and 358, should be made inapplicable in the State as was the position in 1954. There have been constitutional amendments in the Parliament, again with the full concurrence of the State Assembly. We are talking of the pre-1953 situation. I think that Shri Abdullah will have to look a little more closely at those autonomy recommendations before he says that he is not necessarily asking for a pre-1953 situation because a number of those very fundamental and important recommendations pertain to the State and the Centre in such a way that it would go back to the pre-1953 situation. In any case, whilst talking about going back to 1953 situation and wiping the slate clean, are we not, in a way, obviating, violating and annuling article 370? The Congress Party is committed to article 370. There are parties which are today and even earlier been talking about removal of article 370. The Congress Party believes that article 370 should remain. But when you talk of going back to pre-1953 situation, you yourself are violating article 370. What did article 370 say? ...(*Interruptions*) I will talk about substance of the provision. Article 370 in effect says that all the subjects that were covered by Instruments of Accession, that is Defence, External Affairs, Communication and residual ones were to be implemented after consultation with the Jammu and Kashmir Government. Parliament could implement them after consultation. Article 370 then goes on to say that as far as the remaining subjects are concerned, you must take the full concurrence of the Jammu and Kashmir Assembly. This is clearly laid down in the Constitution. Whenever any Act or any provision was extended to Jammu and Kashmir, both the principles of consultation as far as three items that came under the Instruments of Accession were concerned, and positive concurrence as far as the rest were concerned, was always undertaken. I am not even rementioning that. Sheikh Abdullah in 1975 by signing this Accord in effect totally ratifed it in a way. I am not even mentioning that. ...(*Interruptions*) All I am trying to say is that the National Conference and Farooq Abdullah asking for the slate to be wiped clean are tacitly and indirectly themselves hitting at article 370.

It is because they want to say that whatever article 370 legitimised in those 30 or 40 years should be prushed under the carpet. Let us start again. So, they themselves are violating article 370. I would like them to pay a little attention to this. In fact, in many aspects the present Shri Abdullah is asking for much more than his father asked for. It is not

possible to get into a time capsule and go back in the space of time and erase everything that happened earlier.

Be that, as it may, Sir, it is at this juncture that the NDA Government makes its clumsy entrance on to the scene. This Government, it is very obvious, believes always in beginning with the bang and ending with the whimper. There was a nuclear bang at Pokharan which seems to be ending with CTBT whimper. The Prime Minister and the External Affairs Minister when they go abroad, no longer talk of minimum nuclear deterrent but talk of signing CTBT. When the Prime Minister went to Lahore, he called it as `a turning point in South Asian history' but when our Prime Minister was embracing Shri Nawaz Sharief , Pakistani troops were settling into our bunkers on the icy heights of Kargil. In spite of being warned by the Intelligence, as early as in 1998, our Government was sleeping under the influence of the opium of the shallow knowledge that they have of the intricacies and complexities of the international relations in the neighbourhood.

Sir, at this juncture I would once again like to join my Party with the sentiments that you voiced this morning. We remember our Kargil heroes with great reverence. We will always remember their supreme sacrifice which will be an example for posterity. Today, we also remember their bereaved families who had to sacrifice their loved ones for the country. On behalf of my Party, Sir, I would like to pay our tributes, our humble salutation to all the heroes of Kargil who in spite of this Government won for us the heights of Kargil.

"The turning point in South-Asian history", was followed by the hijacking of the Indian Airlines plane and the shocking display of India's External Affairs Minister personally escorting the murderers and militants who were responsible for the lives of innocents, and delivering them to freedom. Following the coup in Pakistan, that "turning point" has created a situation where the Government feels that it must refuse to even talk with Pakistan.

It is the same bang and the same whimper that we are witnessing in the Government of India's handling of Jammu and Kashmir. Members will recall that within a few days of Government formation in 1998, on 18th May, 1998 to be absolutely precise, the hon. Home Minister revealed with much fanfare what was called `pro-active strategy'. On 17th January, 2000, yet another high-level meeting was called and we became all the more proactive. I quote what the *India Today* had to say about the second high level meeting and the second stage of pro-action.

I quote:

> "Rejig the Army. Throw in additional troops. Make a few more promises. Speak of crushing the ISI-sponsored proxy war and there it is - a brand-new action plan. A fresh formula with a pro-active approach. Every now and then, when terrorists walk away after brazen attacks, the Centre wakes up to the increasing threat in Jammu and Kashmir, summons a high level meeting and comes up with the same old wine."

Sir, the situation has deteriorated even more. When the US President, Mr. Bill Clinton, visited our country, we witnessed one of the worst massacres of Sikhs in Chhatisinghpura and yet another pro-active bang had ended with the whimper.

Something curious has been going on in Jammu and Kashmir following Clinton's visit. The Government of India suddenly releases members of the Hurriyat Conference. Nothing has changed on the ground. Militancy continues unabated. The Government officers, the BSF, the para-military forces, the Army posts, the Ministers of Jammu and Kashmir are being targeted, attacked, and murdered. Then, why is this sudden urge to release Hurriyat leaders? The Government may continue to deny that this was done under any pressure. But the express purpose was to enter into a dialogue with Hurriyat. Though you kept denying it at that time. Then why only Hurriyat? Was it the foremost representative of the people? Was there not an elected Government in the State? Let me say that you may have taken this strange and inexplicable action, and you may have pushed your own NDA partners into playing the autonomy card. Because Dr. Farooq Abdullah has stated on the 10th of July, 2000 and I quote *India Today* again.

The question was:

> "â€¦but you have put the Centre on notice."
>
> His answer was:
>
> "That is a language of confrontation. But I believe in consensus. All I am saying is: Do not try to reduce me to zero when we are the only ones who swear by the Indian Constitution. At least, I am not talking of *Jehad* and *Azadi* like Hurriyat Conference. "

Now, these were Dr. Farooq Abdullah's sentiments on the 10th of July. What does this statement indicate? In many

senses he was right. Just yesterday, there had been another declaration. Although we welcome the declaration of three months' cease-fire made by Abdul Majid Darr of Hizbul Mujahideen, I would implore upon the Government to exercise great caution before dropping our guard. Even as the cease-fire was being announced, militants were attacking and hitting the BSF posts in Srinagar and the Pakistan based leader of this militant organisation, Syed Sallahudeen whilst confirming the cease-fire by his number two, added that if the Government of India did not respond, this cease-fire would be withdrawn within one week.

Now, I would like to know what is the response that is expected. The Government of India must tell us how it intends to act and how its response is going to be structured. Because you may not really be having all that much time.

In other words, what I have tried to indicate is, as far as Jammu and Kashmir is concerned, the Government""s policy has been what can be called a flip-flop. Because, at no point has the Hurriyat or the Hizbul Mujaheedin said that they would abide by the Indian Constitution. They continue to talk of *jehad* and *azadi* and Indian imperialism. They say that they cannot have conditional talks. In other words, the question of holding it under the Indian Constitution is not acceptable to them. Naturally Farooq Abdullah is also peeved because he feels that he is being reduced to a zero. He is not just the Chief Minister of Jammu and Kashmir, but he is also your ally. His son is a Minister in your Government.

Anyway, this Resolution has been passed. Then something more sinister seems to have happened. When the Resolution was passed, the Prime Minister was in Lisbon. There were conjectures and rumours that the National Conference would leave the NDA. The Home Minister tries to quickly cool tempers in the absence of the Prime Minister. He tries to placate Farooq Abdullah. What does he say? I quote:

> "The Government will consider the Resolution and Parliament will decide its fate. "

The hon. Home Minister does not reject the Resolution. He says Parliament will decide its fate. But this is nothing compared to what follows.

The Prime Minister, while returning from Lisbon, maybe in the aircraft, says something. What does he say? He said: "Whatever they are demanding is under the Constitution". What does the Prime Minister consider as under and within the Constitution? Had the Government of India adopted and implemented the Resolution, what would have been the implications?

Specially what does the Autonomy Resolution mean? It would have meant - among other things the more important provisions are - that article 356 would not apply to Jammu and Kashmir. But the Prime Minister says this is within the Constitution. It would have meant that the Jammu and Kashmir Assembly would have the final say on the central role not just in cases of internal emergency, but in cases of external emergency too. But the Prime Minister says that this is within the Constitution. The President and the Parliament""s role in Jammu and Kashmir would be curtailed because here they talk of articles 246, 254, 355, 356 read with 358 and 359. The Parliament would not be able to amend any constitutional provisions in the State. The Supreme Court and the Election Commission would have no say in Kashmir and the Comptroller and Auditor-General of India would not scrutinise the State""s finances. But the Prime Minister declares that what was being demanded was within the Constitution.

Somebody has not read this. Somebody has not gone into this in detail. I do not think the Prime Minister has been properly briefed by the hon. Home Minister. At this stage the Prime Minister returns. Then the contradictions that we are seeing everyday within the BJP segment of the NDA once again become clear. The *Sangh Parivar* suddenly wakes up. They suddenly remember that there was a hidden agenda. They could not allow this to become the forgotten agenda. Therefore, tremendous pressure is brought to perform a `u"" turn to completely go against the spirit of the statements that were being made by the Home Minister and the Prime Minister just a few days earlier.

And the Cabinet then summarily rejects the Resolution and indeed, with this rejection, to add music to it which is certainly not music to our ears, the RSS again openly asks for the rejection of article 370. So, we take a full circle because the Government of India wants to run with the hare and hunt with the hound. You cannot do this when you are handling such a heavy responsibility which the Union of India is.

The first flip was, under pressure. Government of India releases the Hurriyat. The second flop is, Dr. Farooq Abdullah retaliates with the Autonomy Resolution. The third flip is, the Home Minister and the Prime Minister encourage this process and dump the Hurriyat. They say that Parliament will decide and that the demands are within the Constitution. And what do they say about Dr. Farooq Abdullah on the 4 th July when the Union Cabinet rejected the Autonomy Resolution passed by the J&K Assembly? The senior BJP leader, Shri J.P. Mathur had termed Dr. Farooq Abdullah as 'a representative of Muslim fundamentalists' in Kashmir Valley and accused him of encouraging fundamentalists. What does Shri Venkaiah Naidu say today? He says suddenly that Dr. Abdullah was

a patriot and his Party was very much part of the NDA.

Then another flip after having encouraged the National Conference, the Cabinet performs a total U-turn and rejects it outright. I cannot understand this ambivalent policy. Is there an understanding based on political expediency behind this charade? These are questions being asked. I am not just accusing but this sort of behaviour has given rise to these sorts of questions. These are legitimate questions that are being asked. Is it the objective to allow for a revival of the National Conference in Kashmir and the BJP in Jammu considering that elections are barely a year away? If this is so, it is a matter of great pity, and history will never forgive the Government of the day for playing games with political sensitivities that have a great bearing on the unity and integrity of our country and the secular State that we established, not to speak of international ramifications. This confusion also gives rise to doubts and misgivings about the true intentions of the Government. There is also an attempt to divide Jammu and Kashmir along communal lines. These are very grave concerns. I am not trying to voice these concerns in Parliament by way of scoring points. These are really matters of concerns and I hope that the hon. Home Minister can allay these concerns in his reply because a recent Press report did quote him though he did clarify yesterday that Dr. Farooq Abdullah also has denied that he was under no pressure from him. So, there is tremendous disquiet regarding the recommendations of the Riaz Punjabi Report which makes some dangerous and unacceptable recommendations that Jammu region be divided into three and Ladakh into two which are clearly on communal grounds.

I quote the following from a newspaper describing this Committee's Report.

> "Regional Autonomy Committee Report set up by the Chief Minister Dr. Farooq Abdullah to overrule the recommendations of an earlier Committee which was headed by Mr. Balraj Puri had literally carved up Jammu and Kashmir on the basis of what it claims "historical, social, ethnic and developmental factors". The Report centres around the explanation that "the ethnic groups located in specific territories of the State are claiming a regional status essentially to realise the objective of democratic participation and sustainable development.
>
> The solution is found in the ethnic division of the State which is quite contrary to the first Report where Balraj Puri identified regions on the basis of their economic development and suggested special financial provisions for the same. "

So, the Balraj Puri Committee went on economic grounds. He resigned, no doubt, because he felt the same pressure that Dr. Karan Singh felt. He was replaced by *Riaz Punjabi* who then recommends the division of the State and its regions along ethnic and communal grounds. So, I think this is a very very dangerous move and the Congress opposes this attempt to negate the secular basis of our country. At the same time, we must recognise that grave misgovernance by a succession of State Governments by the National Conference has caused serious dissatisfaction in Jammu Region and in Ladhak Region. The refusal to devolve real powers and finances to the Ladhak Hill Council and the deliberate efforts by the National Conference to alter the demographic profile of the regions has profoundly alienated the people of Ladhak, in particular, the Buddhist community pleading to a strong demand for the separation of the State and its re-constitution as a Union Territory. The same is happening in Jammu. Therefore, in our view, any discussion between the State and the Centre on the future of the State must address itself to steps required to give the people of Jammu and Ladhak a sense of participation, a sense of identity and the confidence that the State will not be run only in the partisan interest of the leaders of the National Conference and their vote banks. In fact, what the Farooq Abdullah Government has to examine is how does autonomy help if there is bad governance. What people want is good governance....(*Interruptions*) Have the National Conference provided that? Jammu and Kashmir is receiving financial assistance to the extent of 14 times more than Bihar and 11 times more than Tamil Nadu. And yet there is a total lack of development, infrastructure, industry and economy. This has led the people frustrated and alienated. What does a young person do when he sees no prospects ahead? What does one do when there is no prospect of economic liberation at the end of the tunnel. So, autonomy should not become a measure of deflection or diversion from the real issues. The answer is to create an unextricable link between the developmental potential in Jammu and Kashmir and the rest of India's rapidly expanding economy. How can the National Conference ensure good governance and remove maladministration and corruption? This is what they have got to look at. How can the State Government provide more opportunities for higher education and better employment? These are the real questions that the National Conference will have to address and this is the real strategy against militancy because a young frustrated mind provides very easy recruitment for those forces which want to disrupt our nation.

Sir, I, therefore, appeal to the Government not to play with fire. We accept that Jammu and Kashmir does enjoy a special status in the Union and its people have some grievances. We are all for resolving this problem through dialogue but not this way. The dialogue should be well-structured and should be transparent.

Therefore, in conclusion, I would like to say that the Congress Party feels that, first, this dialogue should not be confined to the National Conference or for that matter the *Hurriyat* or any other body but it must involve all political

forces in Jammu and Kashmir including the representatives from all the regions that comprise the State; second, the *Sheikh Abdullah-Indira Gandhi* Accord of 1975 should be the starting point of any dialogue. The clock cannot be allowed to be turned back to 1952-53 which itself would create a constitutional hurdle.

In fact, the 1975 Accord was one of the main planks of the National Conference in the 1977 elections that followed for which they received an overwhelming mandate. Therefore, it marks an irreversible watershed.

Thirdly, the dialogue should be undertaken strictly within the ambit of the Indian Constitution and with due regard to its sovereignty and territorial integrity.

Fourthly, the dialogue should be undertaken with the entire spectrum of political opinion in the State and its composite regions. It must address itself to the grievances of the regions and lead to institutional and other arrangements which would give the people of the three regions a sense of participation in the affairs of the State, equitable opportunities for development.

Fifthly, the objective must be to lead to a new order of good governance in Jammu and Kashmir directed towards the welfare of the people, the rapid development of the State, strengthening of the security and sovereignty of the nation, and maintaining the sanctity of the Indian Constitution. Within this framework and without in any way impinging on the sovereign and territorial integrity of the Union of India, of which the State of Jammu and Kashmir, including PoK, is a constituent part, consideration may be given to such readjustments of Centre-State relations with respect to Jammu and Kashmir as might facilitate the attainment of the objectives that I had just enumerated.

However, there is room for doubt of this being achieved under a dispensation in which the Central Government is led by a political party whose political ideology contained as its central tenets the abrogation of article 370 and the deletion of the constitutional provisions relating to the rights of the minorities. Once again, a demand by the RSS is being made on these grounds and I do not have to repeat that the Prime Minister and the Home Minister are very proud members of the RSS.

Finally to conclude, any endeavour to bring peace and harmony to the State of Jammu and Kashmir, accelerate its economic development with such a framework as its basis will receive our support in a totally non-partisan manner in the highest interest of strengthening the sovereignty and integrity of our nation.

MR. SPEAKER: Shri Prakash Mani Tripathi.

SHRI VAIKA (SIVAKASI): Mr. Speaker, Sir, Shri Vilas Muttemwar's name was placed first in the list and my name second. I should have been called to initiate the debate according to the procedure. It was not done. All right, let him speak. Shri Madhavrao Scindia made a good speech. I do not object to it but the procedure is that I should have been called first when Shri Muttemwar was not present.

MR. SPEAKER: If he agrees, you can speak. Shri Vaiko.

SHRI VAIKO : I have no objection. Let him speak.

1700 hours

SHRI PRAKASH MANI TRIPATHI (DEORIA): Mr. Speaker, Sir, we are discussing the report of the State Autonomy Committee. It is a very serious and a sensitive matter.

I am glad to see that my colleague has made a very serious speech. But I do marvel at his selective memory and it is those gaps that I shall try and fill during my speech. The political angle and the development of the Kashmir process from 1947 until now has been brought out very well and in a chronological order. But along with that, there have been developments on the ground and I will only touch upon those developments in the recent past, because to consider this Report in isolation would be doing a great deal of injustice to this subject itself. One of those developments was that there was a tremendous increase in the level of insurgency and terrorism in the State for the last two years and that has been fought tooth and nail by our security forces. When the foreign-trained insurgents found that they are not doing well, we had the Kargil conflict and we had a complete victory in the Kargil conflict. I do not think anybody is going to deny it. Pakistan was isolated in the international field and it was defeated on the battlefield also. So, we had a complete victory without losing an inch of Kashmir, which we have lost earlier, although our forces have always been capable of taking it back at any time. We lost our territory in Kashmir earlier, but we lost no territory during the Kargil conflict.

There was a complete victory for us both on the battlefield as well as in the international forum. So, again insurgency has started showing its ugly face and that has been fought again. Admittedly, there have been more killings; definitely the level of killings on both sides have increased. But the fact that Hizbul Mujahideen and other

militant outfits are talking about unilateral cease-fire shows that we have tired them out and they are on the defensive now. They had the initiative with them some time back, a good six months back. In that context, the hon. Member referred to hijacking of the Indian Airlines plane also. They had the initiative with them earlier. But we have taken it back now. They are on the run and it is a fact that today even the tourism industry in the plains has picked up. That is the barometer to see whether peace is returning to the State of Jammu and Kashmir.

Therefore, without going into too much of detail, we all know that Hizbul Mujahideen supports Pakistan and is supported by Pakistan. When such a militant outfit is making such an offer to our Government, it must be looked at with suspicion and we know that. We know that there are other militant outfits, which are saying that this is a stab in the back and they have said that there should not be a unilateral cease-fire. But if we take the sum total of all this, what emerges is that there is dissension among the various militant outfits in the State of Jammu and Kashmir, they are on the run and they are demoralised. We intend to keep them demoralised and for this, I would like to start by congratulating the Defence Ministry, Home Ministry and other components of our Government who are doing this job. There is just no doubt about that.

1705 hours

(Mr. Deputy-Speaker *in the Chair*)

If there is a doubt, that can be removed. Today, we have regained the initiative and the militants are on the defensive. Otherwise, they are not the type of people who talk of peace and who talk of unilateral ceasefire. This is one point that I just wanted to remind. It was conveniently forgotten.

Eight militant groups have said that they do not form part of this and there is a wrong thing that Hizbul-Mujahideen have done. JKLF have said that they welcome this move. There is a cacophony of various voices coming up from one side and the other. But all in all, if there is a confusion in the Valley, the confusion is on the other side. There is no confusion on our side in our effort to fight this militancy. This one aspect must be taken into consideration for the timing of this particular Resolution.

Shri Madhavrao Scindia made a mention that we must not talk only to the National Conference and so on. It is a Resolution of the Kashmir Legislative Assembly. It is not a Resolution of the National Conference. It is a Resolution of the Kashmir Legislative Assembly that we are considering. Therefore, in our concern about the totality of the situation in Kashmir, there should be no doubt in anybody's mind.

SHRI MADHAVRAO SCINDIA : I would just like to clarify a point.

SHRI PRAKASH MANI TRIPATHI : You have had your say for one hour. Kindly let me proceed.

SHRI MADHAVRAO SCINDIA : It was passed with a voice vote. It was not a unanimous Resolution.

SHRI PRAKASH MANI TRIPATHI : Whatever it is, it is a Resolution of the Legislative Assembly. ...(*Interruptions*) Various quotations were made. Things have been read out who said this and who said what. What happened when the Prime Minister was in the aircraft? But the basic fact and the fact that there should be no doubt was that after deliberating and giving due consideration, the Cabinet had rejected this Resolution. This is the ultimate fact. So, contradictions like 'he said this thing', 'he said that thing' appear. This is a thing of national importance. Various people have various views. If there is any confusion possible to be created, it is to quote several people on the same subject at different times, at different places and say: "He said this. He said that". But what is the reality? The reality is that a deliberate decision by the Cabinet has been taken by rejecting this demand *in toto*. So, where is the confusion? Where is the point about confusion?

We are talking a lot about whimper. I think, I must touch that before I come back to this thing about signing of the CTBT and the visit to Lahore. In itself, the visit to Lahore and the extension of hands of friendship to Pakistan cannot be questioned and that is no whimper. That hand is always there. If the hand from the other side comes about signing of the CTBT, we talk about consensus. If consensus is not acceptable to people, that is up to you. But the real whimper was, having exploded a bomb in 1974, not to be able to declare it till we exploded it and declared it and there was no whimper. Having become capable of explosion of the bomb and not to be able to take a decision to explode it was a whimper. Whimper is not about signing. The whimper is about taking an action. When we are talking about whimpers, I want to know why for 30 years, it could not be exploded.

Those are the things about whimper, not about timing of the bomb.

I just want to say a few things that a Commission, as has been pointed out by Shri Madhav Rao Scindia, was set up on 29th . It is a fact that the Chairman of the Commission felt suffocated during the deliberations. Dr. Karan Singh resigned prematurely, we know that very well. But well before that, the then Prime Minister, Shri P.V. Narasimha

Rao had made this statement, `that we will give autonomy."" Just short of Independence. He has made this statement. It is a well known statement. It is not a new statement. Not only that, on the 29th of November, 1996, when this Committee was formed, Shri H.D. Deve Gowda was the Prime Minister and a lot of people here were a part of it when this Commission was formed. That was a deliberate act and in that deliberate act, Shri Deve Gowda himself said, `we are for maximum autonomy."" These are on record of this House. There is nothing new about it. Now, it boils down to a definition of the autonomy.

We have all been talking about Sarkaria Commission, the devolution of powers to the States. If autonomy is going to be limited to semantics then it is a different thing. If autonomy is going to be considered in relation to the specific proposals made in that resolution then it is a separate thing and it has been rejected by the Cabinet because some of those things that have not been mentioned, like the procedure for election. We follow a form of democracy, which has a uniform connotation in our country and anything that goes against that is not acceptable. They have recommended that the Election bid of our, election commissioner and so on should not be overseeing them, it is not acceptable. There are many other things that are not acceptable.

Things like fundamental rights have been questioned. It is said that fundamental rights should be changed. It should be according to their customs, traditions and so on. It is not acceptable. Change in emergency provisions is not acceptable.

They have taken this position that 1953 or the time before that they had a Constituent Assembly and they had a right to make their own laws. This is the basic point that they are fighting for and I do not think there is any difference of opinion that we cannot have a nation within a nation. There is no doubt about that opinion.

There are a few more facts that I wish to bring to the notice of the House. One is that we have to look at the Kashmir problem on two tracks. Just saying that good governance could solve the problem is over simplification of the fact. If only good governance was a barometer of a problem solving, then by now Bihar would have probably seceded from India. That is not the only thing. We have to see the situation on the ground. It is a fact that we have been fighting a war for 52 years and therefore, the conditions on the ground, the conditions of the normal people have become better. We have to provide them peace. Fortunately, with our efforts today, in Kashmir people are talking about cease fire, peace and so on.

There is a question as to why only talk to Hurriyat or why only talk to Mujahideen or why only talk to `x"" or `y"". Our experience on the ground is that you can talk to the person that you get. You can start a fair dialogue. There is no restriction on talking with anybody. We should be talking to everybody. That is the first point that I wish to make.

The second point that I wish to make is that historically, not 50 years but for the last 500 years, Kashmir has always been a cauldron. There has always been somebody or the other invading it, taking it, keeping it and losing it. This has been the history of Kashmir for a very long time. It is only for the last 150 or 200 years, Raja Gulab Singh brought some kind of stability to that place. That being so, only pumping in of money is not enough. The mindset has to change. My experience of Kashmir goes back from 1953 onwards. There have been certain changes but not enough change in the mindset of the people. Some of them are reflected in this Resolution.

What I do wish to say is that the Legislators of Jammu & Kashmir are slightly angry as to why we have rejected this Resolution outright. We are quite angry as to how suddenly they have come up with this Autonomy Resolution. And in that context, the statement of the Home Minister that we should discuss it, we should talk about it, and we should start a dialogue, I think, is a very fair thing. We should discuss it, we should give them as much powers as possible, and we should give them as much funds as possible.

It is a fact and I entirely agree with Shri Madhavrao Scindia that with the kind of money that has been invested in Kashmir, their standard of living, business, and everything should have come up much more but they have remained and kept themselves only on tourism and handicraft. It is not enough. And, therefore, any effort to link it with the mainland is very necessary.

I do not wish to make a very lengthy speech. But one point that I wish to make is that this should not become an emotive subject. People are emotionally bound on this subject but this should not become an emotive subject. We should look at it with a cool vision and with a calculated temper. That is the first point I wish to make.

The second point that I wish to make is that those who have been thrown out of the Valley must be taken back to their places in the first instance. They must get back to their places and they must be settled there in the first instance on priority. All the points that have been mentioned otherwise, about the territorial integrity of the country, no compromise, and all those are unexceptionable, and I do not think that there is any need to debate on them. Those who have been displaced must be sent back to their places. As a matter of arrangement and policy, they must be settled back to their places. That must be given priority.

It is a fact that we do not agree with the provisions of their recommendations.

But it is also a fact that we are ready for a dialogue at any time, at any place and that must not be considered a flip-flop arrangement because dialogues are always flip-flops. Sometimes, they start the dialogue; sometimes the dialogue ends but the dialogue must continue. We must send a message from this House that the good of Jammu and Kashmir is at the centre of our heart, that they are secure at all events in our hands and that no harm shall come to them. At the same time, we are with them for any adversity that may come to them. As everybody knows, the Indian Army, the Indian Security Forces have been battling there for the last 52 years. Something close to 65,000 persons have died. In keeping that line of communication open, in keeping their line of control open, we are with them in every way. But this message must go to them that dialogue will always be open. Thank you very much.

MR. DEPUTY-SPEAKER: If the House approves, the hon. Minister for Information and Broadcasting would like to make a statement.

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): I have given a notice and if the House agrees, I will make a statement. Since the Government took a decision last evening and there were only speculative stories which were appearing, and it is the right of the House to be first informed, I sought your permission to make a statement in the House today with regard to the new policy.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Yes, it is done.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): It has already been in the print media in the morning. The matter has been taken up.

SHRI SOMNATH CHATTERJEE (BOLPUR): It is 5.20 p.m. now.

MR. DEPUTY-SPEAKER: It is already there. If you want to circulate the copies, you can do that.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Yes, let him make a statement.

SHRI ARUN JAITLEY: What have appeared in the media are not accurate. They are only speculative stories.

SHRI SOMNATH CHATTERJEE : How many pages?

SHRI ARUN JAITLEY: It is a two-page statement.

SHRI SOMNATH CHATTERJEE: All right.

17.29 hrs.

SHRI PURNO A. SANGMA (TURA): Mr. Deputy-Speaker, Sir, I consider that this debate is a very important debate because we are dealing with an area which is very sensitive, especially after the Resolution which has been adopted by the Jammu and Kashmir Assembly on the question of autonomy.

Unfortunately, there has been an obvious ambivalence in the utterances of the Central leadership about the resolution itself. Initially, the hon. Minister of Home Affairs is reported to have said that this matter would be discussed in Parliament, and perhaps decided by Parliament. The hon. Prime Minister seems to have initially defended the Chief Minister of Jammu and Kashmir saying that "well there is nothing wrong if it is within the framework of the Constitution of India". After having made these two important statements, the Cabinet rushed for a decision on the matter and outrightly rejected the resolution. I do not know whether each demand by the Assembly of the Jammu and Kashmir, which was on the basis of the Report of the State Autonomy Committee, has been really analysed and discussed by the Cabinet one by one because the time-frame that was available to the Government, I have some doubt whether every issue that has been raised in the Resolution has been discussed totally by the Cabinet or not.

I have gone through the Report of the State Autonomy Committee and basically the demands can be summarised under ten headings. It covers at least ten areas of importance and in those areas there are issues, which were discussed in 1952 itself and where an agreement could not be reached. The matters were put off. That is all right,

we shall see later on whether we can do something about it or not. There are at least two items which were deferred in 1952.

Now, my point is when the hon. Minister of Home Affairs had agreed and made a public statement that the matter would be discussed in Parliament, then what was the necessity for the Government to decide finally and reject it? After the Government has taken a decision to reject it outright, I really do not know whether this discussion in Parliament will now really be meaningful or not unless the hon. Minister of Home Affairs comes out and says, "yes, we still have an open mind; and on the basis of what has been discussed in Parliament, perhaps the matter can be again looked into".

श्री ्सोमनाथ चटर्जी (बोलपुर) : क्िसी को गुस्सा आ्या, इसीलिए कर दि्या।

SHRI PURNO A. SANGMA : I do not think there is any meaning in discussing it here. However, having decided to discuss the matter in Parliament, I thought I will make a few points. I am not going to make a long speech.

Sir, as the House is aware, though I do not want to go into the whole history of it, I just want to refresh the memory of the House that in October, 1947, *Maharaja* Hari Singh executed an Instrument of Accession. Now, when we talk of Instrument of Accession, which was executed in 1947, perhaps some people have the impression that the Instrument of Accession by *Maharaja* Hari Singh was unique or different from other instruments of accession. It was not.

The same form or paper of Accession used for other rulers was used for Jammu and Kashmir. There was no separate form or paper specially meant for Jammu and Kashmir. It was a common form of Accession to the Government of India. This is a very important thing to note. Therefore, in 1947 itself, by this very Instrument of Accession, Jammu and Kashmir became legally and irrevocably a part of the territory of India. There is no doubt about it.

Then, in 1950, when we adopted our Constitution, Jammu and Kashmir was included as a Part-B State in the First Schedule to the Constitution of India, and in 1957, when the Constitution of Jammu and Kashmir was adopted, the Constitution of the State declared Jammu and Kashmir to be an integral part of the Union of India. Therefore, on this count, we have made this point several times, nationally, internationally, in all forums, that Jammu and Kashmir is an integral part of India. I just thought that there should not be any doubt on this.

Having accepted the situation that was obtaining at that time in Jammu and Kashmir, the Government of India then thought that the case of Jammu and Kashmir was something different from the rest of India and, therefore, they had to be given special safeguards, special protection and, therefore, article 370 was incorporated. Everything now depends on article 370. By the incorporation of article 370, Jammu and Kashmir already enjoys autonomy. They have a separate Constitution, they have a separate flag and the Parliament of India has limited jurisdiction over Jammu and Kashmir. All these autonomies were given by article 370. Subsequently, by different Presidential Orders, a lot of modification and perhaps innovation was made. I was wondering why this issue was now being raised and what was at the back of the mind of the people of Jammu and Kashmir. I think we are aware of the position of the BJP or the constituents of the NDA on the question of article 370. There have been demands that article 370 should be deleted from the Constitution of India. It certainly gives a lot of apprehension into the minds of the people of Jammu and Kashmir. I think this point has to be understood very clearly by the Central Government, by the ruling party and its constituents. I would like to know from the Home Minister when he replies, what is the stand of the BJP and what is the stand of the NDA Government on the status of article 370. If you make that position clear, I think much of the apprehensions of the people of Jammu and Kashmir can be contained. After all, the people of Jammu and Kashmir, by and large, have accepted that they are part of India. We have already had democratic process in the last election to the Jammu and Kashmir Assembly. Every political party participated in that election, which is a tremendous sense of satisfaction for all of us. Today, we have a popularly elected Government in Jammu and Kashmir to whom we can talk, with whom we can have a dialogue.

The National Conference is a part of the NDA Government here. The grandson of Sheikh Abdullah himself is a member of the Council of Ministers here. The grandson of Maharaja Hari Singh is a member in the Council of Ministers of Jammu and Kashmir. Dr. Farooq Abdullah is an out and out Indian, a true patriotic person. Nobody can doubt about this. When we have all this before us − a patriot as a Chief Minister of the State, popular election having been conducted, the National Conference being a part of the NDA government − we can have a free and frank exchange of views.

There are allegations from the leaders of Jammu and Kashmir that the report of the State Autonomy Committee, the report which was submitted to the Jammu and Kashmir Assembly in April, 1999, had been immediately forwarded to

the Government of India for their comments, for the opinion of the Union Government. I do not know, perhaps, they did not get much of a response from the Union Government. That is one version. I would like clarification on that.

On the other hand, we get an impression from the media that the Chief Minister of J&K has assured not only the Home Minister but also the Prime Minister of India to the effect that this report was going to be discussed in the Assembly and only a discussion will take place and no resolution would be adopted. We had gathered from the media that this assurance was given by Dr. Farooq Abdullah to the Prime Minister and the Home Minister; and yet they have passed the resolution in the Assembly. Why? Where is the misunderstanding?

When the Cabinet ultimately decided that : 'No, this report has to be rejected outright', without Dr. Farooq Abdullah's reactions having come out − I do not know whether it is true but media reports say − 'Well, Dr. Farooq Abdullah can decide whether he would like to continue with the NDA Government or not; he is free either to remain or to leave', I think somewhere there has been a communication gap between the leadership in the J&K and the leadership at the Centre.

I must thank the Chief Minister of Jammu and Kashmir that in spite of all these provocations, he is still cool; he has not withdrawn from the Government of the NDA. He still says : "Well, I am agreeable to a discussion; I am agreeable to a dialogue'. I think these are very positive signs which the House should appreciate. There is no point in jumping to a conclusion that whatever they have done is hundred per cent wrong. I think it will be appropriate for the Parliament, perhaps, it will be appropriate for the Government, to look into as to how the Article 370 of the Constitution has functioned and how did it work. After all, whatever autonomy we had to give, we had given to them.

Maybe that there could be a special kind of a study by a team of experts from outside − not from J&K − an independent body who will objectively make a study of the working of Article 370 of the Constitution of India and see whether any changes are required.

Though I pointed out that there are certain matters which were discussed in 1952, but a careful reading of all these demands thus give a feeling to me that the Jammu and Kashmir Assembly has demanded to go to pre-1952 position. Of course, I am not agreeable to that personally. I do not know why we are talking about autonomy and why this word autonomy is so attractive. I think, what the people of Jammu and Kashmir would like to achieve can be achieved without even using the word autonomy.

I think, the Cabinet certainly took note of that and very cleverly, while rejecting the resolution, has also kept an option if there is any route to avoid certain problems.

SHRI SONTOSH MOHAN DEV (SILCHAR): When you are speaking, you keep in mind that you are also a member of the Constitution Review Commission. You have expressed many things and views.

SHRI PURNO A. SANGMA : I know that. That is why, I am talking about it. I am thinking not only about article 370 but also article 371 which is applicable to the North-Eastern States. I am also thinking about the future of Assam as a member of the Commission, for your information. I only want that the Government should also take an initiative whereby these matters of special importance can be assigned to some people who are impartial and go into the working of a particular article. This Commission is for looking into the working of the entire Constitution.

My emphasis is on article 370. The Cabinet talked about devolution of power by quoting NDA manifesto that it is not a matter of autonomy as such; it is a matter of devolution of power. That is what the Cabinet decision rejecting the resolution has said.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): We have not used the word `reject'.

SHRI PURNO A. SANGMA (TURA): Yes, they did not use the word `reject', but the sum and substance of it is rejection.

SHRI L.K. ADVANI: We have said `we cannot accept it'.

SHRI PURNO A. SANGMA : That is why, I am saying that they have very calculatedly and very wisely spoken about the devolution of power.

SHRI SOMNATH CHATTERJEE : Has he got a copy of that Cabinet decision?

SHRI PURNO A. SANGMA : No. I am talking from the newspaper reports.

SHRI L.K. ADVANI: It has appeared in the Press.

SHRI PURNO A. SANGMA: Yes, it has appeared in the newspapers saying that it is a matter of devolution of power

and not merely of autonomy. That is what the sum and substance of the decision.

I think, therefore, what is important is to emphasise on the devolution of power and the basis, as I have always been saying, should be the Sarkaria Commission Report. The Sarkaria Commission Report speaks of cooperative federalism. It is a new word, but it has become a very popular word. Maybe, there could be a way! The cooperative federalism as per the Sarkaria Commission Report may be made applicable to the rest of India, but as far as Jammu and Kashmir and the North-Eastern States are concerned, I think that article 370 and article 371 are very important and we will have to see how these articles can be made more effective and more workable.

I come from an area where there has been a lot of insurgency. So, we have a similar experience of the situation the people of Jammu and Kashmir are subjected to. One the one side, there are militants and terrorists, and on the other, the security forces. We know how security forces behave in the North-Eastern region.

I think, the people of Jammu and Kashmir are really fed up of what is happening there. They have been sandwiched between the militants and the terrorists on the one side, and the security forces on the other side. I had a lot of interaction with the people of Jammu and Kashmir. People are looking for a solution. This is the time when we can really, perhaps, get a solution because people are wanting it. After 52 years of suffering and bitter experience, I think, they are wanting it now. Therefore, I do not think that we should close everything. I am not, I want to make it very, very clear, agreeable to any autonomy position which is pre-1953. But within the framework of the Constitution, within article 370 of the Constitution of India, whether we can do something more for the people is the point.

I was reading some articles in a magazine which say, "Eight to ten thousand students, boys and girls of Jammu and Kashmir, are studying in various colleges of Karnataka, after paying Rs. 5 lakh to Rs. 7 lakh of capitation fees. Four to six thousand students from Jammu and Kashmir are studying in Maharashtra; they are studying in Gujarat, and in other parts of India." Just imagine their plight; just imagine the kind of suffering they are undergoing. Therefore, I think, the economic development is a very important issue; job creation is a very important issue; people are not getting jobs there.

I would like to support Shri Madhavrao Scindia""s point that when we talk about Jammu and Kashmir, our whole attention goes to the Kashmir Valley. In the process, we forget the people of Jammu; in the process, we forget the people of Ladakh. I think, it is a big injustice to them. When I visited Jammu, a few months back, they straightaway asked me, "Should we also become terrorists? Should we also take to arms because unless we do it, we are not getting any attention from the Government? People who are taking to arms, those who are going underground, are the people who get every help, all the resources are poured there, and all the facilities are given there. Just because we are very simple and peace loving people, we are being neglected." I think, this is a very important point to be noted down. Shri Madhavrao Scindia has made this point very effectively.

After all, Ladakh has resisted the resolution for autonomy, and they said ""no""; people of Jammu said ""no"". What does it mean? The people of Ladakh and the people of Jammu have rejected the demand for autonomy which was passed by the Jammu and Kashmir Assembly. I think, we must recognise that and do something special for them.

Sir, I plead with you that let this matter be taken very seriously and cautiously. Let us not condemn anybody. It has to be solved through a dialogue. I am very happy that the Government of India is going to open a dialogue with the Hurriyat leaders, and that there has been a cease-fire. This is a very, very positive development. I must congratulate the Government for that. The only question-mark is, somewhere I read, whether this move has got anything to do with Prime Minister Vajpayee""s visit to USA in September 2000, when he meets President Bill Clinton. We do not know what transpired between President Bill Clinton and Prime Minister Vajpayee during the American President""s visit last time. They are due to meet in September 2000, and we know what America thinks about all this. So, there are some apprehensions. I set it aside, but the initiative to talk to them, and the cease-fire is a welcome thing. I congratulate the Government for that.

I think, when we are talking about a dialogue, we will have to have a dialogue where, in a democratic way, people are really representing the people, and therefore, this is very important.

SHRI SOMNATH CHATTERJEE (BOLPUR): Mr. Deputy-Speaker, Sir, no doubt we are discussing a very important issue, specially as the Assembly of Jammu & Kashmir has passed a Resolution on a subject which, if I may say so, affects the people of Jammu & Kashmir. But we are discussing the matter on the basis of the reports that are available to us from the newspapers and journals. So far as the Government is concerned, there has been no official statement given to the Parliament. We have to anticipate what the Government's thinking is. There is even controversy over what the Cabinet decision was. Even Shri Sangma, who now has much closer interaction with them in certain matters, has not been fully taken into confidence. We do not know what the hon. Prime Minister said in the plane or while coming out of the plane. We do not know what the Spokesperson's view is. It is because now

we have some Cabinet Minister as Cabinet Spokesperson! He has certain views.

Sir, this is a matter of importance. This is not a lightly saying. I feel, this discussion on an important issue like this -- where a large segment of the House is concerned, as I am concerned and as Shri Vaiko is concerned, in spite of his present aberrations, is − should have been on a Government motion. The discussion should have been initiated by the Home Minister himself and then we would have been able to give our response to the thinking of the Government. We now are only anticipating what the Government is thinking, if at all it can think in a relevant manner ...(*Interruptions*).

However, in any event, this Resolution passed by our friends in the Jammu & Kashmir Assembly gives us an opportunity to discuss a very vital issue that has been agitating this country not today but almost since the Independence. It is because the quasi-federal system that we have had has really had so many distortions that the Government of the day had to appoint a very high level Commission to go into this question.

1759 hours

(Mr. Speaker *in the Chair*)

MR. SPEAKER: Today the House would sit up to 7.30 P.M.

SHRI SOMNATH CHATTERJEE : Sir, my Party's views on the Centre-State relations, I believe, are well-known as that of Shri Vaiko's, Shri Karunanidhi's and of our good friends from the Akali Dal and also of others like Shri Chandrababu Naidu's, unless of course he has changed them recently. I do not know.

Sir, why is everybody clamouring for it? All the State Governments are clamouring for more and more powers. This is not a sudden development. This is not something that has emanated from the Resolution of the Jammu & Kashmir Assembly. It is because in a country where there are so many differences in language, in culture, in religion, on emphasis, on problems and on issues, there is bound to be different emphasis or different problems of development in different parts of the country.

18.00 hrs.

Nobody can deny that after 52 years of Independence we have a totally imbalanced and uneven development in the country. There are areas and areas in the country where obligations have been enforced on the State Governments without providing the wherewithal. Every meeting of the National Development Council has been marked with the unanimous demand of the Chief Ministers of the States − I am sure Sharadji as a Chief Minister, in spite of being the Chief Minister of the financial capital of the country, also made this demand − for more and more devolution of power and resources. Therefore, these are not empty matters. These are not empty issues raised for the first time today in connection with the resolution for autonomy passed by Jammu and Kashmir Legislative Assembly.

My friend Sangma had good things to say about Dr. Farooq Abdullah. I have nothing against Dr. Abdullah. He is no doubt a patriot and I concede that. I have no manner of doubt that he is trying his best to serve his people. But, how can he expect to get the autonomy which he is thinking of, or even a near edition of that, from his cohorts in Delhi? Who will give that to him? The main constituent of the ruling coalition is BJP which is committed to the abrogation of article 370 of the Constitution. How can Dr. Abdullah expect anything once he has aligned with these forces − say, the forces of obscurantism, or fundamentalism, or divisiveness − who are committed to abrogation of a very important article of the Constitution that gives some power, some position to Jammu and Kashmir? I do not agree with Sangma's likening the position of Jammu and Kashmir to some other States. Other States merged with the Union and lost their identity. Jammu and Kashmir joined the Union and kept its identity. That is why a special provision was made in the Constitution of India for Jammu and Kashmir. Of course, once Constitution applies, it has its own effect. So, how could Dr. Abdullah sincerely believe that this Government of which he is a component − maybe a smaller component − could deliver what he wants?

Sir, I have a quotation from Sheikh Abdullah's statement that he made in 1951 and I seek your permission to read it out. He had an apprehension. He understood the dangers that might come from the Government of India at one point of time. He felt that if the colour of the Government changed, problems could be created. He said:

> "Certain tendencies have been asserting themselves in India which may in the future convert it into a religious State where interests of the Muslims would be jeopardised. This would happen if a communal organisation had a dominant hand in the Government and the Congress' idea of equality of all communities were to give way to religious intolerance. The continued accession of Kashmir to India should however help in defeating this tendency. "

This is what Sheikh Abdullah said.

That is the apprehension he had expressed, and he has proved to be true today. Today, they are expecting to develop Kashmir in the company of BJP and the RSS, the *Sangh Parivar*!

Sir, look at the reaction of the Government at the Centre. What did the very astute political leader of Shri L.K. Advani's eminence say? What was his reaction? I believe that he properly said that 'it is for the Parliament to decide. It is a momentous decision.' It is for Parliament to decide and not merely discuss away or talk away. He had said something in the newspapers. I have to go by newspaper reports because they are not sending me all their statements to me like they send it to Shri P.A. Sangma!

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Everyone is citing this. I had gone to Israel and other countries. When I came back I learned about this Resolution. I was talking to the Press in another connection. They asked me about this. Then, I said:

> "I have my views. I could give my reaction. But ordinarily, this is a Resolution of an Assembly, and therefore, I would like that the Government takes a considered view. And, that can be, after the Prime Minister returns back (At that time, the Prime Minister was abroad.)"
>
> And, the next sentence I said was:
>
> "If something is to be done in connection with that Resolution, it can only be done by Parliament. "

I did not say that it would be discussed by Parliament. I said:

> "The Government will consider it as a whole and if something is to be done in connection with that Resolution, it has to be done by Parliament."

That is all. But it has been quoted again and again in a manner as if I said that it would be discussed in Parliament, decided by Parliament. I would think that every such issue is first decided by the Government, and if the Government has taken a decision that they accept so much or they do this or do not do this, then it would be my duty to come to the House with a proper Motion and a proper Resolution. But in this particular case, we were conscious when we discussed it. It was asked, 'will it be discussed in Parliament?' I said, "any Member has a right to raise it. It is a different issue whether we accept it or not. But here, we have taken a certain decision. We have not accepted this Resolution. Therefore, any Member can ask us 'why you have not accepted it'. That is precisely what is happening.

SHRI SOMNATH CHATTERJEE : Sir, we are humble mortals . We can only go by newspaper report. I have no access to his special statements....(*Interruptions*)â€¦I am accepting what he has said....(*Interruptions*)

एक माननीय ्सद्स्यः नहीं मिलेगा।

श्री ्सोमनाथ चटर्जी : कैसे मिलेगा, हम तो नहीं ्बैठे। हम मिन्िस्टर ्बनने के लि्ये नहीं ग्ये।

Sir, what appeared in *The Hindustan Times* of 28th June, there is not much of difference....(*Interruptions*)â€¦Please allow us this much of understanding from your statement which has appeared in *The Hindustan Times,* which has gone over to your side. ...(*Interruptions*)â€¦ I would quote what the Union Home Minister, Shri L.K. Advani has said in *The Hindustan Times, New Delhi* of 28th June, 2000. He said:

> "A final decision on the Resolution passed by Jammu and Kashmir Assembly demanding greater autonomy for the State would be taken by Parliament. "

Virtually, endorsing his party's point of view on the autonomy issue, Shri L.K. Advani said:

> "Whatever needs to be done on the Resolution has to be done by Parliament. Everyone knows its composition and the views of those who constitute it. "

Sir, we have been proceeding on this. There is not much of a difference in it. But he has now clarified, and I have not the slightest hesitation in accepting what he said, knowing him for so many years, all though how he is in that company, I do not know....(*Interruptions*)

Mr. Speaker, Sir, I was wondering. Can anybody in Jammu and Kashmir sincerely believe that any proper consideration of this Resolution on autonomy will be given by this Government? This is a party which is espousing Presidential form of Government.

It has not given up its agenda of abrogation of article 370. I have got a copy of a submission by the BJP in which one of the main demands before the Sarkaria Commission was the abrogation of the special provision under article 370. They now say that for NDA purposes they were not pressing it. The sooner they go, the better for the country. But once they go, they go back to the demand for abrogation of article 370. They will catch you by the throat.

They are not talking about the Presidential form of Government. I do not know what their real contribution is. I am a little bit anguished that my very good friend has gone there. My affection for him is so much that I cannot wish him anything but well.

SHRI PURNO A. SANGMA: Thank you.

SHRI SOMNATH CHATTERJEE : This is the Government that has been sitting over this Report for one whole year. The Assembly has formally forwarded it to the Government not now. Nothing has been done for one year. This is the consideration shown to one of its constituents − giving a State Ministry is sufficient for National Conference to keep quiet. They were now forced to bring a Resolution in the House. They found that the Report was meaningless and that this Government, like a Sphinx, was not moving at all.

Dr. Abdullah is more and more getting into problematic situations in Jammu and Kashmir because he is unfortunately losing mass support. Unfortunately, people are getting more alienated from the Government there. Therefore, he now thinks that there is an opportunity to establish himself as a saviour of Jammu and Kashmir by bringing this situation to a head so that at least some decision has to be taken. He will fight for the autonomy of Jammu and Kashmir. The Government sat on the Report for one year. Its main constituents have not given up their demand for abrogation of article 370 and it has already said that it has `not accepted' the Report. Probably, the Oxford English Dictionary's definition of `rejection' is `not accepting'. The President of the BJP is not here and I should not take his name. He said, `This is almost treason. It should immediately be rejected.' The *Sangh Parivar* takes up cudgels and says, `Heavens will fall.' The gentleman who was released yesterday either showed his thumb or the `V' sign. Perhaps, my friend was showing the `V' sign and his leader was showing the thumb. He said that it was `treacherous'. This is the reaction of the main constituents of the NDA Government.

Today, we are solemnly discussing what would happen to Jammu and Kashmir. Immediately, we find the reaction of Shri M. Karunanidhi. He said, `It is very good. It should be supported.' Shri Prakash Singh Badal said, `It should be supported.' Rumblings have started within the NDA. Even Dr. N. Chandrababu Naidu said that it should be taken into consideration and no longer be ignored. They have to listen to the views of 29 plus so many plus so many who have given their support. Therefore, the Prime Minister says, `Let us discuss.' Is it not political hypocrisy? What do we have to discuss? The Cabinet, constituting all the parties in the NDA, has said, `No.' What do we discuss now? With the release of the Hurriyat leaders, what are you doing there? Dr. Farooq Abdullah is against it. He finds that the discussions between the Hurriyat and the Government is compromising his position.

He brings forth the Resolution and now, the Government says, "Very well, let us discuss." What should we discuss? I would, very solemnly, like to know one thing from the hon. Minister. Is he conceding any part of it? I have said and my party also has said that we certainly do not wish to go back to the pre-1953 position. That cannot be done. It cannot be that any State of this country will deal with everything other than the three subjects of Defence, Foreign Affairs and Communications. Much water had flowed down since the 1950 Agreement was entered into. It is true that article 370 is there. It contemplated special position for that State. But since then, Presidential Orders have nibbled them away. The Party to my right has been responsible for that. Even the agreement, which was entered into by no less a person than Pandit Jawaharlal Nehru, was never really implemented. Not even the 1975 agreement was implemented. At least, on paper, that was acceptable to Sheikh Abdullah and Mrs. Gandhi. That can form the basis of a proper discussion on many things, with an open mind. Let us not forget that.

Sir, I am sure, you will agree me that it is essential to have a proper devolution of powers to the State Governments, if this country has to remain united. You cannot go on − having centralised powers here − controlling everything. Today, the economic policy is forcibly foisted on the people. No country has an economic policy of selling away the country's interests to the foreigners. Important companies in my State are being sold away and closed down and I cannot say anything. Even in Uttar Pradesh, a big company had been closed down and nobody can say anything. I know that Shri Manohar Joshi is not happy. As the Minister of Heavy Industries, this is what is happening. I am sure, he will agree with me. Shri Ram Naik is also not happy with that.

Now, the State Governments are just sitting like that. You do everything here and we cannot have any say. But we have our obligations to the people. Just for the sake of having the centralised power, you are exercising your power here and you are taking the States for granted. But I have my aspirations. Shri Sangma has his aspirations. People of different States have different problems and they have special issues. What is to be done for this? Diktats are

being given from here; there is no money and there is no resource for the States.

The ridiculous state of the situation is this. Huge public sector undertakings are being closed down by the Central Government and what does it say? It asks the State Governments to purchase and run them. This is the ridiculous state of the situation. Has it become a joke? ...(*Interruptions*)

SHRI SIMRANJIT SINGH MANN (SANGRUR): What is the relevance of his speech with the Resolution? ...(*Interruptions*)

SHRI SOMNATH CHATTERJEE : With all respects, probably, I would say that he had been sleeping.

Therefore, it is important that there has to be a proper devolution − whether you call it autonomy, whether you call it proper Centre-State relations, whether you call it proper decentralisation or whatever you may call it. It cannot be resisted altogether.

Therefore, I sympathise with the people of Jammu and Kashmir primarily. But they must also not make demands, which are not possible to concede. It will not be good for the country and it will not be good for them also. So, at least, we want that a proper discussion be held. The Parliament should have been taken into confidence much earlier, by the Government. A sincere effort should have been made on this.

We do not know what kind of discussion is being contemplated by the hon. Prime Minister. But we feel that 1975 Agreement can provide a good launching pad and it can provide a good basis. This Government should reiterate that article 370 will continue with full vigour. That is the very basis of the accession of Jammu and Kashmir to India. Whatever be the discussion and whatever be the autonomy, that has to be within the Indian Union and that has to be within the Indian Constitution. It cannot be outside the framework of Indian Union.

The other thing which is very important is the development of Jammu and Kashmir. Development of that State should be accelerated. This is the crux of the matter. People do not want autonomy for the sake of autonomy. They want it because that would help in the development of the State, in meeting the needs of their areas and in meeting the needs of the people. They are clamouring for autonomy not just for some legal provisions. We want equal opportunities to be given to this State. Even Public Distribution System is not functioning well there. Employment opportunities have to be created. Measures have to be taken to accelerate the pace of development. We call it a paradise. But tourism has suffered because of neglect. There are many areas, like infrastructure, which needs our attention. You all know this.

We do not subscribe to the extent of the demand that they have made in their Resolution. We are against going back to the pre-1953 position. I am happy that this has given us an opportunity to discuss the question of Centre-State relations all over the country. Maybe the problems are a little different in other States from the problems of Jammu and Kashmir. We are conceding that article 370 should continue. That gives them a special position. Let there be transparency and let there be sincerity of approach and let it not be only for public consumption. If this Government believes in this, let it undertake a proper study. They used to speak about Sarkaria Commission. What had happened to that? They are not speaking about Sarkaria Commission and its recommendations any more. Even in the Sarkaria Commission Report, there are many grey areas. We are not fully satisfied with that Report. But a beginning can be made. It talks about article 356, devolution of financial resources etc. I am sure every State wants some kind of financial autonomy. If you kindly study the representations of the State Governments to the Planning Commission and the Finance Commission, whether it is BJP Government or Shiv Sena Government or Congress Government or Left Front Government, you will find that their demands are same and even the language is same. These are all very serious issues. I am happy that the House is taking up this issue with all seriousness. I have the privilege of knowing Shri L..K. Advani for the last thirty years. I am sure that an eminent person like Shri L.K. Advani will give proper response to this, not guided by the old RSS link up or the continuing RSS link ....(*Interruptions*) Shri Advani is not touchy about RSS. Why are you so touchy about RSS?

He is not touchy. He is enjoying it. Why are you upset over it? It is not he, but the Prime Minister, who said that RSS is his soul. The hon. Minister did not say it. I am sure he shares that soul also. He does not want to be a soul-less Home Minister.

Therefore, Sir, this is a matter on which we expect a proper response from this Government. I must again express my serious objection to the fact that the Government did not come out with a Motion itself and make a *suo motu* statement in which case it would have been a much more meaningful discussion. We are here only giving our views without knowing the Government's response. I am happy that the BJP spokesperson has also come now. Let us hope that tomorrow there shall be no other misleading newspaper report.

MR. SPEAKER: Shri Mulayam Singh Yadav.

SEVERAL HON. MEMBERS: Sir, let us take it up tomorrow....(*Interruptions*)

MR. SPEAKER: Tomorrow we have another discussion listed under Rule 193.

श्री मुलायम सिंह यादव (सम्भल) : अध्यक्ष महोदय, इस चर्चा पर बहुत गंभीरता से विचार किया गया और यहां सभी ने एक अच्छी बहस आरंभ की है।â€¦(व्यवधान)

SHRI VAIKO (SIVAKASI): Mr. Speaker, Sir, I should be given an opportunity to speak. I am not making it an issue...(*Interruptions*)

MR. SPEAKER: Major Parties should be given chance first.

श्री मुलायम सिंह यादव : मुझे ज्यादा नहीं बोलना है।â€¦(व्यवधान) आप इनको बोलने का जल्दी मौका दीजिए।

SHRI VAIKO: As per the practice of the House, I should have been given a chance....(*Interruptions*)

MR. SPEAKER: Next is your turn.

श्री मुलायम सिंह यादव : अध्यक्ष महोदय, जम्मू-कश्मीर का मुद्दा वैसे भी अंतर्राष्ट्रीय स्तर का है और इसे जानबूझकर अंतर्राष्ट्रीय स्तर तक पहुंचा दिया गया है। अब यह किस सरकार की गलती है, किसकी भूल है, किसकी गलत नीति है, इस बहस पर हम आज के अवसर पर नहीं जाना चाहते। स्वायत्तता का प्रस्ताव क्यों आया, इसका संकेत हमारे कुछ नेताओं ने दिया है। अभी सोमनाथ चटर्जी ने भी दिया है और भी हमारे बहुत से साथियों ने दिया है। उसकी स्वायत्तता का मुद्दा जो 1953 की पहली मांग है कि हमारा संविधान अलग हो, हमारा न्यायालय अलग हो, वहां राज्यपाल की नियुक्ति न हो या अपना प्रधान मंत्री हो आदि कुछ विषयों को छोड़कर पूरे अधिकार कश्मीर को मिलें, गृह मंत्री जी क्या इस सवाल पर वास्तव में गंभीरता से विचार नहीं करना चाहिए क्योंकि वह भी एन.डी.ए. का एक घटक है जिसने यह प्रस्ताव पास किया है। श्री फारूख अब्दुल्ला साहब देशभक्त हैं, इसमें कोई दो राय नहीं हैं। वे हिन्दुस्तान के साथ हैं। उनके बयान की आपने तारीफ की है लेकिन विधान सभा की कार्यवाही आप पढ़ें तो उनके मन में कैसे यह बात उठी? श्री फारूख अब्दुल्ला जो केवल कश्मीर के नेता नहीं बल्कि पूरे देश के नेता माने जाते हैं, उन्होंने कहा कि यदि हम पाकिस्तान में होते तो प्रधान मंत्री बन जाते। यह बात वे भावुकता में आकर कैसे कह गये? यह बात उनके मन में क्यों आई, इस पर क्या आप विचार नहीं करेंगे? हां, फारूख अब्दुल्ला साहब को हम समझाना चाहेंगे कि पाकिस्तान के प्रधान मंत्री का हाल क्या होता है ? पहले के एक प्रधान मंत्री का क्या हाल हुआ और अभी के प्रधान मंत्री का हाल क्या हुआ, यह सब जानते हैं। लेकिन उनके मन में यह बात क्यों उठी कि अगर हम पाकिस्तान में होते तो प्रधान मंत्री बन जाते। हम तो समझते हैं कि फारूख अब्दुल्ला साहब हिन्दुस्तान के प्रधान मंत्री हो सकते हैं।

हमारी दुआएं है और हमारी शुभकामनाएं हैं कि वे हिन्दुस्तान के प्रधानमंत्री बनें। लेकिन यह भावना क्यों हुई। यह भावना इसलिए हुई क्योंकि हमेशा यह कहा जाता है कि एन.डी.ए. का प्रस्ताव है कि धारा 370 खत्म नहीं की जाएगी। लेकिन जब-जब संघ परिवार या आपकी पार्टी के प्रमुख नेता कहीं भी बोले हैं तो यह बोले हैं कि जब स्पष्ट बहुमत हो जाएगा तो धारा 370 समाप्त की जाएगी। जब आप उत्तर दें तो स्पष्ट कर दें क्योंकि यह मामला अगर अंतर्राष्ट्रीय स्तर पर बढ़ा तो पाकिस्तान को बहस करने और भारत पर दबाव डालने का अच्छा मौका मिलेगा कि कश्मीर की जनता या कश्मीर के लोग भारत में नहीं रहना चाहते। एक ऐसा सवाल उठ खड़ा हुआ है जो आज तो लोक सभा में हो रहा है लेकिन यह बहस अंतर्राष्ट्रीय बहस हो सकती है। इससे बचाने के लिए आपको स्पष्ट कर देना चाहिए कि हमारे दल की हमेशा के लिए यह मांग खत्म की जाती है कि धारा 370 को नहीं छूएंगे, वह ज्यों की त्यों बरकरार रहेगी। यह आपको अपने जवाब में देना चाहिए।

कई मंत्रियों, कई नेताओं के अलग-अलग विचार हुए हैं। अभी माननीय त्रिपाठी जी कह रहे थे, यह तो अपना-अपना विचार है। हमारा सुझाव और राय है कि कश्मीर के मामले को राजनैतिक प्रयोगशाला मत बनाइए। देश में राजनैतिक प्रयोगशाला बनाने के बहुत स्थान हैं। यह प्रयोगशाला मत बनाइए कि कश्मीर की स्वायत्तता के प्रस्ताव पर प्रधानमंत्री जी की क्या राय है, गृह मंत्री जी ने क्या कहा। हम न हों तो अखबार पढ़कर उसे कह सकते हैं। आपकी अंदरूनी बात क्या हुई। लेकिन यह शंका यूं उठती है कि जब श्री फारूख अब्दुल्ला साहब 20 जून को विधान सभा में प्रस्ताव लाए और बहस शुरु हुई। 22तारीख को वे दिल्ली आए तो प्रधानमंत्री जी या गृह मंत्री जी से जरूर बात हुई होगी। उस वक्त क्या बात हुई और यहां लौटने के बाद प्रस्ताव कैसे पास हो गया। एन.डी.ए. में कहीं न कहीं तो यह चर्चा आई होगी और यदि नहीं आई तो क्यों नहीं आई। दूसरी तरफ वहां उग्रवादियों के एक नहीं बल्कि चार घटक हैं। एक घटक को तो आपने रिहा कर दिया और दूसरे घटक ने युद्धविराम कर दिया। जब आप उत्तर दें तो हम यह जरूर पूछना चाहेंगे कि स्वागत करने की क्या जरूरत थी। इसके मायने यह हुए कि स्वागत इसलिए कर रहे हैं कि हमारी फौज, हमारी सेना या यह सरकार कश्मीर की सुरक्षा करने में नाकामयाब है। यह बात स्पष्ट करें। अगर उन्होंने हथियार डाल दिए हैं तो हम इसका स्वागत करते हैं। हमें ऐसा लगता है कि कश्मीर को जितना उग्रवादियों से डर नहीं है उतना हमारी सरकार से है। हम इस नतीजे पर पहुंच रहे हैं क्योंकि समस्या पैदा की जा रही है, ऐसी भावनाएं पैदा की जा रही हैं। कल भी आप भाषण में कह रहे थे कि जो विधान सभा पास कर देगी उसकी भावना का आदर करेंगे तो तत्काल हमने पूछा था कि यदि विधान सभा राज्य विभाजन का प्रस्ताव पारित करेगी तो क्या आप उसका स्वागत करते हैं, उसे मानेंगे। क्या आप विधान सभा का प्रस्ताव मानेंगे? जहां तक 1953 से पहले की स्वायत्तता का सवाल है, उसमें समाजवादी पार्टी किसी कीमत पर तैयार नहीं है और स्वीकार नहीं करती। लेकिन जैसा श्री सोमनाथ जी ने कहा कि अगर कश्मीर की जनता की भावनाएं हैं, उनकी समस्याएं हैं, अन्य प्रदेशों की जो समस्याएं हैं, उन समस्याओं के निदान के लिए देश की एकता को ध्यान में रखते हुए और संविधान के अंतर्गत उनको स्वतंत्रता मिले जिससे देश का विकास कर सकें।

इसलिए हम चाहते हैं कि आप 2-3 सवालों के बारे में बताएं, एक तो संघ परिवार कहता है कि कश्मीर को तीन हिस्सों में बांटेंगे। आपने कहा कि हमने नहीं कहा। अगर कल आपने जवाब दे दिया होता कि संघ परिवार ऐसा नहीं करेगा तो हम आज नहीं बोलते। जैसा अभी चटर्जी बाबू ने कहा कि आप संघ परिवार के दबाव में काम न कर जाएं क्योंकि जैसी खबर है कि संघ परिवार ने कहा है कि तीन हिस्सों में जम्मू कश्मीर को बांटना चाहिए।

आपने कहा कि ऐसा नहीं हो सकता है तो संघ परिवार की तरफ से यह भी स्पष्ट कर दें कि जम्मू-कश्मीर के तीन हिस्से नहीं होंगे और न उनकी मांग है। ये गलतफहमियां जो पैदा हो रही हैं, हम लोगों के बीच में भी हो रही हैं और देश के अन्दर भी हो रही हैं, उनका खंडन आपकी तरफ से आ जाये, स्पष्टीकरण आ जाये तो बहुत सारी समस्याएं हल हो सकती हैं। जहां तक फारूख अब्दुल्ला साहब कहते हैं कि सरकार कोई तो बात करे, हमारी कोई बात तो सुने तो मेरी समझ में नहीं आता है कि आप सरकार के एक घटक हैं और वे घटक के नेता हैं और घटक के नेता होते हुए भी उनकी बात आप नहीं सुन रहे हैं, यह शिकायत अब फारूख अब्दुल्ला को है। क्या आप समस्या का समाधान नहीं करना चाहते हैं। आप देखेंगे कि एकदम कई सूबों से यह आवाज आई, हम उसको दोहराना नहीं चाहते, उसके बारे में सिंधिया साहब, संगमा साहब और सोमनाथ जी ने भी कहा है, कई सूबों की आवाज आई कि स्वायत्तता मिलनी चाहिए, इस पर विचार करना चाहिए। किसी न किसी तरह उन्होंने उसका समर्थन किया, लेकिन हम लोगों ने उसका समर्थन नहीं किया। हमने इतना जरूर समर्थन किया है कि कश्मीर के विकास के लिए या

तमिलनाडु, असम, पंजाब या अन्य सूबों के विकास के लिए अगर उनको कुछ स्वायत्तता मिले या कुछ अधिकार मिलें, उनको कुछ फाइनेंशियल आजादी मिले तो उससे हम सहमत हैं।

संगमा साहब ने सवाल उठाया, इसमें हमें भी शंका है कि प्रधान मंत्री जी अमेरिका जा रहे हैं, ऐसी खबर है कि जम्मू-कश्मीर समस्या का कुछ समाधान निकलेगा। अगर समाधान निकलेगा तो लोक सभा चल रही है, लोक सभा के चलते हम लोगों की भी राय लेनी चाहिए। अगर उनका एजेण्डा है तो लोगों के सामने, देश के सामने उस एजेण्डा को रखना चाहिए कि जम्मू-कश्मीर की समस्या हल होने जा रही है, सीमा की समस्या हल होने जा रही है। हम यह चाहते हैं कि लोक सभा के चलते यह स्पट होना चाहिए। दूसरे हमने यह भी सुना है कि सी.टी.बी.टी. पर हम दस्तखत करेंगे। अभी नहीं करेंगे तो अभी क्लिंटन साहब से आप मिलेंगे, वहां प्रधान मंत्री वायदा करेंगे, ऐसी चर्चाएं हैं, ऐसी आशंकाएं हैं। हम चाहते हैं कि लोक सभा के चलते अगर इसका प्रधान मंत्री भी जवाब दें और आप भी दे दें कि सी.टी.बी.टी. पर दस्तखत करने जा रहे हैं या नहीं करने जा रहे हैं। जम्मू-कश्मीर की सीमा या भारत की सीमा के बारे में कुछ बातचीत हो रही है या नहीं हो रही है, क्या रास्ता निकाला है। चर्चा यह भी है कि क्लिंटन साहब ने सितम्बर तक का मौका दिया है कि सितम्बर तक इस समस्या का समाधान हो सकता है या नहीं हो सकता है, जवाब दीजिए। इस तरह की जवाबतलबी भारत से की जा रही है। अगर नहीं की जा रही है तो आज विजय दिवस है, हम भी उन बहादुर जवानों को श्रद्धांजलि अर्पित करते हैं, जिन्होंने सीमा की रक्षा की है। लेकिन वहां पर हमें अफसोस होता है कि अभी तक सरकार की तरफ से यह खंडन नहीं आया है। जब 22 मार्च को पूरे सांसदों के बीच क्लिंटन साहब ने कहा कि अगर कश्मीर की सीमाओं से फौजें हटाई हैं तो पाकिस्तान की सेनाएं हमारे कहने से हटी हैं। आपके जवाब में इसका खंडन आना चाहिए कि आपकी फौजों ने पाकिस्तान की सेना को हटाया है या अमेरिका के कहने पर फौजें हटी हैं। हम सब लोग डरते हैं कि कहीं न कहीं दबाव है, चाहे संघ परिवार का दबाव हो या अन्तर्राट्रीय स्तर का दबाव हो। इसलिए जब आप उत्तर दें तो इन मुद्दों को आप साफ करें। साथ ही साथ बातचीत का दौर शुरू करके यह खेल बहुत दिनों तक नहीं खेला जाना चाहिए, यह हमारी राय है।

इन्हीं शब्दों के साथ आपको धन्यवाद देते हुए मैं अपनी बात समाप्त करता हूं।

SHRI VAIKO (SIVAKASI): Mr. Speaker Sir, I am very thankful to you for giving me this opportunity to take part in this very important and very significant discussion in the Parliament of India. It is a remarkable and unique discussion. Not only the people of Jammu and Kashmir, but the people all over India are looking towards Parliament when it is discussing the Resolution adopted by the Jammu and Kashmir Assembly on 27th of June this year.

Sir, a sense of alienation has fast developed in the minds of the people of Jammu and Kashmir. On 8th July, on the invitation of Dr. Farooq Abdullah, I participated in a seminar on the Report of the State Autonomy Committee. I had the occasion of meeting some *shopwallas* and people near the Dal Lake. I was totally distressed to find a sense of despair and frustration in the minds of those people who are not attached to any political party. Unless we go deep into the roots of the problem, I am afraid that the future of the Kashmir Valley will be facing very serious problems. Of course, today, we salute the bravery and stupendous sacrifice of our soldiers who defended the lofty peaks of the Himalayas in Kargil. Sir, what is the reason for this sense of alienation in the minds of the people of Jammu and Kashmir? From some quarters, there is a criticism about the pronouncement of the word 'State autonomy'. I belong to a Dravidian Movement. We cherish the concept of State autonomy and decentralisation. Shri Somnath Chatterjee, when he was speaking, criticised this Government that this Government has not bothered to think about the Sarkaria Commission. Sir, our manifesto is the manifesto of the National Democratic Alliance. In that manifesto, we have very clearly stated that it is high time and therefore, we shall appoint a Commission to review the Constitution of India not only in the light of experiences and development since 1996 but indeed of the entire post-Independence period and to make suitable recommendations. We are convinced that there is a clear case for devolution of more financial and administrative powers and functions to the States. We will take suitable steps to ensure harmonious Centre-State Relations in the light of the recommendations of the Sarkaria Commission and also effect decentralisations right upto the grassroot levels by activating and involving panchayats and local bodies. So, in the light of the recommendations of the Sarkaria Commission, the National Democratic Alliance has made a commitment for decentralisation.

Maharaja Hari Singh, on 26th October, 1947 signed the Instrument of Accession which was accepted by the then Governor-General Lord Mountbatten. After four days, on 30th October, 1947, he issued an order appointing Sheikh Mohammed Abdullah as the Head of the Emergency Administration and appointed a 23-Member Emergency Commission pending the formation of the interim government. On 5th March, by another proclamation issued, the Maharaja decided to replace the Emergency Administration by a popular interim government to provide for its powers, duties and functions pending the formation of a fully democratic situation.

Sheikh Muhammad Abdullah was appointed Prime Minister. Before October 26, 1947, Sheikh Muhammad Abdullah was launching a mass agitation, the Quit Kashmir Movement. His National Conference was the most outstanding outfit of the Valley. He was imprisoned. He was undergoing imprisonment. Maharaja Hari Singh realised one basic factor that unless Sheikh Muhammad Abdullah decides and supports the move, things will not be all right. When he signed the Instrument of Accession. For the people of Kashmir, Sheikh Abdullah was the tallest leader, a mass leader. For these reasons, Sheikh Abdullah was made the Prime Minister. Sheikh Abdullah, without any oscillation, threw his lot with the Government of India. I would like to quote his marvellous inaugural speech in 1951 in the Jammu and Kashmir Assembly. This is what Sheikh Abdulla said and I quote:

> "I may be forgiven if I feel proud that once again in the history of the State, our people have reached peak of achievement through what I might call the classical Kashmiri genuin for synthesis, born of toleration and mutual respect. Throughout the long tale of our history, the highest pinnacle of our achievement has

been scaled when religious bigotory and intolerance ceased to cramp us, and we have breathed the wider air of brotherhood and mutual understanding."

"From my experience of the last four years, it is my considered judgement that the presence of Kashmir in the Union of India has been the Major factor in stabilising relations between the Hindus and Muslims of India. Gandhiji was not wrong when he uttered words before his death which paraphrase: "I lift up mine eyes unto the hills, from whence cometh my help"

So, Sir, Sheikh Abdullah was such a great personality. What was the reward he received for such a benevolent gesture of his to this country? Of course, on the 26th January, 1950, the President of India made the first Constitution Order, 1950. Under article 370 of the Constitution of India, it confirms strictly to the Instrument of Accession. Then, there was the Agreement of July 1952. What happened? The blackest day in the history of Jammu and Kashmir was the 8th August, 1953. Sheikh Abdullah's Government was dismissed and he was imprisoned. For twenty long years, he had to suffer in jail. So, what is the root cause for this sense of alienation in the minds of the people of Jammu and Kashmir? His Government was dismissed. The promises which were given were not fulfilled. He was kept in the jail. He was imprisoned. After nearly 22 years, when the Government at the Centre, realising the fact that they could not carry on with the Quisling Governments they did set up in the Kashmir Valley, invited Sheikh Abdullah. And Sheikh Abdullah was invited. Another Agreement in 1975 was signed. Shri Madhavrao Scindia quoted that here. Sheikh Abdullah wrote a letter on the 11th Febraury, 1975 to the then Prime Minister Shrimati Indira Gandhi.

Sheikh Abdullah said:

"It is my view that the constitutional relationship between the Centre and the State of Jammu and Kashmir should be what it was in 1953. Nevertheless, I am happy to say that the agreed conclusions provide a good basis for my cooperation at the political level and for Centre-State relationship.

"It will be my constant endeavour to ensure that the State of Jammu and Kashmir continues to make its contribution to the sovereignty, integrity and progress of the Nation. By the same token, I am sure that the Central Government would cooperate with the State Government fully in respect of measures to be undertaken by the State Government to further the progress and welfare of the people of the State as an integral part of India."

That was the letter of Sheikh Abdullah dated 11th February, 1975.

The agreed conclusions of the Kashmir Accord are:

"The State of Jammu and Kashmir, which is a constituent unit of the Union of India, shall in its relations with the Union continues to be covered by article 370 of the Constitution of India.

"The residuary powers of the legislation − it is very important − shall remain with the State.

"The following matters relating to elections, namely the superintendence, direction and control of elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in section 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir."

The important factor is that the hon. Then Prime Minister made a speech on 24th February, 1975 on the floor of the House. There, the Prime Minister of the day, Shrimati Indira Gandhi congratulated Sheikh Mohammad Abdullah and said:

"Hon. Members are aware that Sheikh Abdullah had played a notable part in the freedom struggle and in the accession of the State of Jammu and Kashmir to the Indian Unionâ€¦ He reaffirmed that the accession of the State to the Indian Union was final and irrevocable. His main area of concern was about the legal and constitutional changes made after August, 1953."

I want to clear my position and my party's position on this demand. I do not agree with the demand of going back to 1953 or to retain the pre-1953 position. For that, I would like to express what Sheikh Abdullah stated on this. I quote

from the statement of the former Prime Minister:

> "Sheikh Abdullah was very anxious that to start with, the constitutional relationship between the State and the Centre should be as it was in 1953 when he was in power. It was explained to him that the clock could not be put back in this manner. Mirza Afzal Beg pressed for the transfer of provisions relating to Fundamental Rights to the State Constitution, the removal of the supervision and control of the Election Commission of India over elections to the State Legislature, and the modification of article 356 to require the State Government's concurrence before imposing President's Rule in the State. It was not found possible to agree to any of these proposals. I must say to the credit of Sheikh Abdullah that despite his strong views on these issues, he has accepted the Agreed Conclusions.
>
> "The manner in which differences with Sheikh Abdullah have been resolved shows the vitality of the functioning of our democracy."

Sir, I would like to congratulate this Government for the discussion because in 1974 in the Assembly of Tamil Nadu, the DMK Government under the leadership of Dr. Karunanidhi passed a Resolution on State Autonomy. That Resolution was a unanimous Resolution in the State Assembly of Tamil Nadu. That Resolution was sent here. Before that, a Committee was appointed by the Tamil Nadu Government under the chairmanship of Justice Rajamannar; Justice Chandra Reddy and Vice-Chancellor of Chennai University, A.L. Mudaliar, were the other two members of the Committee. Sir, that Report was sent to the Union Government. The Resolution was sent here but that Resolution was not even placed before the Cabinet.

That was the attitude of the Congress Government. That Resolution of the State Assembly was not even placed before the Cabinet by the then Congress Government. It was not discussed in Parliament. But today we are discussing the Resolution of the Jammu and Kashmir Legislative Assembly here. The Prime Minister and the Home Minister have said that they are ready for a discussion.

Sir, I may not agree with the views expressed by my friends. I may not agree with the views expressed by Shri Madhavrao Scindia or Shri Somnath Chatterjee, but, as Voltaire has said, democracy means: "I may not agree with him. But I will fight till the last to defend the basic right of expression of my opponent". Discussion is the cornerstone of democracy. The three 'Ds' - Discussion, Debate and Dialogue - give strength to the fourth 'D' − Democracy. Therefore, we are discussing here the Resolution adopted by the Jammu and Kashmir Legislative Assembly.

Sir, this is a very grave issue. We are for State autonomy and more power. But the time has changed. Therefore, I would appeal to my friends in the National Conference not to demand to get back to pre-1953 position. I belong to a movement which demanded a separate country. I belong to a movement which demanded a separate Dravida Nadu, under the leadership of Arignar Anna. I joined that movement in my student days. But when the Chinese cannons roared in the Himalayan borders, it is our leader, late lamented Arignar Anna who said: "We give up the secessionist demand; we give up the separatist demand". We demanded a separate country in 1960 and 1961. Then, we have given it up. Now, we are proud to be citizens of India. I feel proud to be a citizen of India, the tallest democracy, with the confidence that the aspirations of the regions could be definitely fulfilled. India is a very vast country. But we could retain our identity, the individuality, the originality of different cultures, different languages and different civilisations.

Sir, our leader, late lamented Arignar Anna, when he became the Chief Minister of the State of Tamil Nadu, said:

> "Nor am I happy of being the Chief Minister of our State under a Constitution which on paper is federal, but in actual practice tends to get more and more centralised. â€¦
>
> True, a sense of determination at the appropriate stage is all important. But this should be preceded by educating the public on federalism itself. â€¦
>
> If, by being in office, the Dravida Munnetra Kazhagam (D.M.K.) is able to bring to the notice of the thinking public that the present Constitution is a sort of Diarchy by the back door, that would be a definite contribution indeed to the political world. â€¦
>
> We have a federal structure. That is why the framers of the Constitution wanted a federal structure and not a unitary structure, because many political philosophers have pointed out, India is so vast − in fact it has been described as a sub-continent − the mental health is so varied, the traditions so different, the history so varied that there cannot be a steel framed unitary structure here. â€¦"

He further said:

> "Lift it up to the highest political arena and allow it free play; make the Federation become a real

Federation."

SHRI SONTOSH MOHAN DEV : But the book from which you are quoting has your photograph on its backside.

SHRI VAIKO: This is our document on State Autonomy.

SHRI PRAKASH YASHWANT AMBEDKAR (AKOLA): Is this a sermon to the B.J.P.?

SHRI VAIKO : No; this is not a sermon. Times have changed. That is the point. We have changed our conception. We have changed our ideology. That is why, I appeal, on the floor of this House, to my friends in the National Conference and to Dr. Farooq Abdullah not to demand to get back to pre-1953 position.

Sir, it is very painful for me to mention here that some political parties − I do not want to name them − criticised the Government. It is they who had instigated Dr. Farooq Abdullah to adopt this Resolution. It is a sinister attitude. ...(*Interruptions*) It appeared in the newspapers. Then, the very same people attacked the Government that it has rejected the Resolution.

19.00 hrs.

MR. SPEAKER: Shri Vaiko, what about time?

SHRI VAIKO : Sir, I have not gone into the Report at all. I made an elaborate study of the Report. It is really a serious discussion. It is a discussion on the Report itself because the Report was adopted on the floor of the Assembly. They adopted a Resolution on the Report.

MR. SPEAKER: We have allotted two hours. The other hon. Members are also to speak. Otherwise, it would be difficult.

SHRI VAIKO : It is a very important discussion. I have to express my views on this. ...(*Interruptions*) All the States are clamouring for more powers. I would like to tell my friends, particularly Shri Somnath Chatterjee, who say that nothing has been done by this Government. Steps have been taken by this Government in the right direction regarding devolution of financial powers. After the Report of the Tenth Finance Commission, 29 per cent of collected taxes will go to the States. The Report of the Eleventh Finance Commission has also been submitted. Now, there is another increase of four per cent. We are not satisfied with that. But a right step has been taken in the right direction by this Government.

A Constitution Review Commission has been appointed by the Government in view of the recommendations of the Sarkaria Commission. ...(*Interruptions*)

What is the danger in that? I do not understand what is dangerous. The Congress Party, which was holding the reins of power for nearly 45 years, was playing with the destiny of the people of Jammu and Kashmir. That is the root cause for all these problems. In 1953, the Sheikh Abdullah Government was dismissed. After 31 years, when Dr. Farooq Abdullah was taking his morning tea, he came to know just a few hours earlier that his Government had been dismissed. That was the reward he got. I do remember that when I met Sheikh Abdullah in 1980, I was a new Member of Parliament. I was very anxious to see him. In those days, when he was in jail, we used to admire him like anything. He was called the Lion of Kashmir. I went to him. I was a new Member. He showed great affection to me even though I was a new Member. At that time, he uttered words which I can never forget. He said, "My dear young friend, do not forget one thing that there is no place either for friendship or gratitude in the dictionary of Congress." These were the words used by him.The Accord was signed in 1975. Within six months, a No-confidence Motion was tabled by the Congress Party against Sheikh Abdullah Government. Then, what had happened? The Governor did not agree. The Assembly was dissolved. An election took place and he was elected.

Now, my point is that you have to win the confidence of those people. Of course, there is a demand from Ladakh region. There is a demand from Jammu region. There should be regional autonomy in the State of Jammu and Kashmir. I agree with you. But we do not agree to this demand of getting back to the pre-1953 position. There are so many recommendations. I would like to quote the following from page 73 of that Report:

> "We have noticed above that in the eagerness to create an image of cementing close relations, what followed 1954 is a series of Constitution (Application to J&K) Orders numbering 42 till now which were not conceived at any point of time, either in 1950 or in 1952 or even later in May, 1954.

"â€¦Among the changes brought about, the most important were restricting the powers of the legislature of the

State, extension of powers of Union Parliament, application to the State of financial provisions of the Constitution of India, provisions relating to emergency, All India services, superintendence, direction and control of elections of the State Legislature and several other matters."

Between 1954 and 1975, there have been so many Presidential Orders from the Central Government, trampling upon the rights of the State. This is the menace created by the Congress Government here. This is the reason for the sense of alienation developing in the minds of the people of Jammu & Kashmir. After 1954, after Sheikh Abdullah""s Government was dismissed, between 1954 and 1975 so many orders from the Central Government, encroaching into the domain of the State Legislature, have been issued. This is the basic factor.

I do not agree to all the demands and recommendations of the report. I do not accept most of the recommendations. But, definitely, there is a case for discussion. We cannot slam the door on their face. There are areas, issues which have to be reconsidered. Some of the orders, which have been passed by the Central Government, have to be reconsidered. For example, all matters under finance, trade and commerce are now applicable, even the rudiments of the financial autonomy have completely been swept away. It is true.

At the same time, special provisions of article 249, dealing with the Parliament""s power of legislation in the State List, have been extended to the State of Jammu & Kashmir quite surreptitiously in a brazen and clandestine manner by misinterpreting and misusing article 370. Who has done this havoc? This had been done by the Government at the Centre; those who were holding the powers at that time.

Sir, I do not agree with some of the recommendations. But on page 94 of the report it is stated:

Changes from 1954 onwards:

> "Particularly in 60s, they""re so rapid that things started changing even beyond recognition. Encroachment on State jurisdiction was obvious, thereby reducing the State autonomy to a mockery. "

Who has done this? It has not been done by the BJP Government, but it was done by the Congress Government. They were stabbed behind the back. They were betrayed. Sheikh Abdullah was betrayed. This is the reason for the sense of alienation growing in the minds of the people of Jammu & Kashmir.

Sir, I do not agree to the demand of Jammu & Kashmir Assembly Resolution regarding jurisdiction of the Supreme Court, regarding Comptroller & Auditor General, and regarding the sphere of Election Commission. In the summary of the recommendations in the Resolution they demand, `matters in the Union List not connected with the three subjects of Defence, External Affairs and Communications and are ancillary thereto but made applicable should be excluded from the application to the State."" This is for discussion.

I do not say only Defence, External Affairs and Communication should be vested with the Centre. But there are areas, for example, during Emergency when we were imprisoned in the dark cells under detention in MISA, where State subjects were encroached upon. They were swallowed by the Centre. From the State List they were annexed to the Concurrent List, education, agriculture, for example. Here they have demanded, `that all modifications made in article 246, in its application to the State subsequent to the 1950 Order, should be rescinded. This is about the subject matter of law made by Parliament and the Legislature.

They have demanded, which I do not accept, that the fundamental rights part should be deleted. They say, `a separate chapter on fundamental rights be included in the State Constitution.""

Sir, there is nothing wrong in discussing it. Again about the Union, they have demanded article 72 (1) should be made non-applicable to the State. I do not agree to it because under this article, powers are given to the President to grant pardon, to suspend, remit, or commute the sentence. This is given under article 72. Now, they want that these powers should not be there. We do not agree to this.

Likewise, they want to do away with article 72 (3), articles 133, 134, 135, 136, and 138 of the Constitution, which deal with the powers of the Supreme Court and the rules of the Courts. I do not agree with them. At the same time, regarding Finance, Property, Contracts, and Suits, this matter could be discussed between the State representatives and the Union Government, as agreed to during the talks in 1952. That discussion could take place on those lines. But regarding the Services under the Union and the State, that is All India Services, I do not agree to their demand. And regarding the special provisions relating to certain clauses ...(*Interruptions*)

MR. SPEAKER: Shri Vaiko, you have taken more than 30 minutes.

SHRI VAIKO : Sir, I will take only three or four minutes.

Sir, they want that the application of articles 338, 339, 340, 341 and 342 to the State should be omitted and corresponding provisions should be made in their State Constitution.

Regarding the amendment of the Constitution of India, that is article 368, they want that it should not apply to the State of Jammu and Kashmir. That is their demand. I do not agree to that. But, Sir, there are some areas where there could be an understanding and an agreement, and, therefore, the discussion is very much essential.

Sir, the people of Jammu and Kashmir have stood for the unity and integrity of India. Dr. Farooq Abdullah, risking his life, facing the threat from the extremists when cross-border terrorism was very much there and the insurgency instigated by ISI elements, had stood for our country and he said, `Till my lifetime, I am an Indian. I am for India.'" At the same time, what has happened all these years, for four decades? So, when he speaks, it is not the lone voice of Dr. Farooq Abdullah. This is my feeling. This is the voice of the people of Jammu and Kashmir, particularly the Muslim people.

Therefore, when they have placed such demands, we may not agree with all of their demands but the discussion is very essential in democracy. The discussion has started in Parliament. The discussion, right now, has started on the floor of Lok Sabha. Let the discussion continue. Sir, I would appeal to my friends in the National Conference that they can place their views before the Constitution Review Commission. There could be Chief Ministers'" Conference on this. This matter could be discussed in the Inter-State Council. There are so many forums. Therefore, this discussion is a right signal. When the people of Jammu and Kashmir, risking even their lives at the gun point of the terrorists, stand for the unity of the country, we have to respect and honour the sentiments of the people of Jammu and Kashmir and also the commitment we have made under the Instrument of Accession and article 370.

With these words, I conclude my speech.

श्री चन्द्रशेखर (बलिया- उत्तर प्रदेश): अध्यक्ष जी, मुझे इस बहस पर केवल 5-10 मिनट के अंदर अपनी बात समाप्त करनी है। यहां बहुत से भाषण दिये गये लेकिन उन भाषणों से मुझे बहुत निराशा हुई। समस्या की गंभीरता को परखने में हम असफल रहे हैं। हम लोगों को दो बातें याद रखनी चाहिये कि केन्द्र में श्री अटल बिहारी वाजपेयी की सरकार है और श्री लाल कृण आड्वाणी गृह मंत्री हैं। यही इस समस्या को सुलझाने या उलझाने में मददगार हो सकते हैं या उसे और उलझा सकते हैं। श्रीनगर में डा. फारूख अब्दुल्ला चीफ मिनिस्टर हैं। इन लोगों के आस्तित्व को इनकार करके कोई बात करने का महत्व नहीं रह जायेगा। इसलिये हमने यह कहा कि आर.एस.एस. की क्या धारणा है या श्री अटल बिहारी वाजपेयी ने क्या कहा, उससे समस्या नहीं सुलझेगी।

लेकिन दो-तीन बातों का मुझे दुख है। हमारे मित्र श्री माधवराव सिंधिया नहीं हैं। उन्होने इस बात को शुरू किया। उन्होंने यह बताने की कोशिश की कि कांग्रेस के जमाने में सब कुछ अच्छा था, अचानक यह सब बुराइयां इस सरकार ने पैदा कर दी। मैं कोई गुप्त बातें नहीं कह रहा हूं। जिस समय 1991 से 1996 तक आपकी सरकार थी, उस समय कश्मीर को बांटने का प्रस्ताव आया था। वाशिंगटन के पास एक कान्फ्रेन्स हुई थी, जिसे स्टेट डिपार्टमैंट ने स्पान्सर किया था। यहां सैन्टर फॉर पालिसी रिसर्च एक संस्था है, उसमें हिंदुस्तान के कुछ लोग, उसके नुमाइंदे सरकार से सलाह करके गये थे और आजाद कश्मीर के लोग थे, पाकिस्तान के लोग थे और अमरीका के कुछ विद्वान लोग थे। उसमें यह कहा गया कि कश्मीर को तीन हिस्सों में बांटा जाए। उस समय हमारे एक मित्र थे, जिन्होंने मुझसे कहा कि कश्मीर पर चर्चा करनी है। मैने कहा वहां कौन रहेंगे, उन्होंने एक और मित्र का नाम बताया। मैं जब उनके यहां गया तो दो मित्र मौजूद थे। आड्वाणी जी, आपको जानकर हैरत होगी, वे आपकी पार्टी के थे और आज भी वे महत्वपूर्ण पदों पर हैं। इन तीन लोगों से जब मेरी वार्ता हुई, वह प्रस्ताव सरकार की ओर से रखा गया। प्रियरंजन दास जी, जब आपकी सरकार थी तो इन दोनों मित्रों ने उसका तुरंत अनुमोदन करना शुरू कर दिया। मैंने कहा आप भी इसमें सहमत हैं, आप इसका अर्थ जानते हैं। इसका अर्थ होगा सैल्फ डिटरमिनेशन को मानना, इसका अर्थ होगा टू नेशन थ्योरी को मानना, इसका अर्थ होगा इस देश से मुसलमानों को हमेशा के लिए बाहर कर देना। फिर वह बात वहीं पर बंद हो गई। उस समय के मंत्री जी ने हमसे कहा था कि हम आपको रिपोर्ट देंगे। लेकिन आज तक वह रिपोर्ट नहीं मिली। आड्वाणी जी बुरा मत मानियेगा, आर.एस.एस. ने अनायास की इस मांग का समर्थन नहीं किया है। आर.एस.एस. की एक योजना है, उसकी एक मंजिल है, उसका एक अभीट है और उस तक पहुंचने के लिए उनके लिए जरूरी है कि देश में टू नेशन थ्योरी की बात लोग स्वीकार कर लें। जहां टू नेशन थ्योरी की बात स्वीकार करके पाकिस्तान बना, वहां इस्लामिक स्टेट बन गई। अगर हिंदुस्तान में टू नेशन थ्योरी नहीं मानी जायेगी तो यहां हिंदू स्टेट नहीं बनेगी। आपकी धारणा यह नहीं हो सकती है। आप क्षमा करें, मैं राजनीतिशास्त्र का एक विद्यार्थी होने के नाते आपसे कहना चाहता हूं कि आर.एस.एस. के वरिठ लोगों ने, बुद्धिजीवी लोगों ने इस बात का समर्थन किया और वह रिपोर्ट आज दिल्ली में लिमिटेड सर्कुलेशन में है। वह रिपोर्ट छपकर कुछ लोगों के पास बंट रही है। जो लोग रिपोर्ट छाप रहे हैं, मैंने उनसे कहा कि उस रिपोर्ट की एक कापी हमें दे दो, कहा गया कि वह रिपोर्ट अंडर प्रिंट है। उस रिपोर्ट को मैंने एक वरिठ मित्र के पास खुद देखा है और उसमें किसी हिंदुस्तानी का नाम नहीं लिखा है, नाम लिखा है- स्टडी ग्रुप ऑन कश्मीर और उसमें सारे अमेरिकन्स का नाम है। वे लोग हिंदुस्तान आये हैं, आपकी सरकार के लोगों से मिले हैं। फारुख अब्दुल्ला से मिले हैं, कुछ वरिठ लोगों से मिले हैं।

हमारे मित्र श्री मुलायम सिंह ने जो शंका प्रकट की, भाषा उनकी चाहे जितनी आक्षेपपूर्ण रही हो, लेकिन वह आशंका अपनी जगह पर अपना अस्तित्व रखती है। गृह मंत्री जी मैं आपसे कहूंगा, आप मेरी बात को अन्यथा न लें, इसको सोच लें, इसके बाद में फर्क कर लें। आज ऐसी संस्थाओं के बारे में हिंदुस्तान टाइम्स के एडीटोरियल पेज पर एक आर्टीकल निकली है, मैं उसमें से कुछ नहीं पढूंगा, लेकिन जिसकी हैडिंग है - राइज ऑफ दि रॉबर इंटेलेक्चुअल्स। ये रॉबर इंटेलेक्टुअल्स लोग इन रिपोर्टों को इस देश में फैला रहे हैं। यह अनायास नहीं हो रहा है। माफ कीजिएगा प्रियरंजन दास जी, 1991 में जब आप लिबरेलाइजेशन कर रहे थे, उस समय इसी संसद में मैने कहा था - आज आर्थिक मामलों में हस्तक्षेप स्वीकार कर रहे हो, कल राजनीतिक मामलों में हस्तक्षेप स्वीकार करने के लिए तैयार रहो। आज हिंदुस्तान ऐसी जगह पर पहुंच गया है, जब राजनीतिक मामलों में खुलेआम हस्तक्षेप हो रहा है।

अध्यक्ष महोदय, मैं बड़ी अदब से, बड़ी नम्रता से कहूंगा कि अगर इसमें हम विवाद और झगड़े करते रहे तो हम इन शक्तियों के खिलाफ कोई संघर्ा नहीं कर सकते, कोई विरोध नहीं कर सकते, बड़े बुरे संकट में हम लोग फंसे हुए हैं। फारूख अब्दुल्ला को मैं जानता हूं। फारूख अब्दुल्ला को आप लोगों ने विश्व किया है। फारूख अब्दुल्ला के रहते हुए हुर्रियत से बात करने का प्रस्ताव बिना उनकी जानकारी में उन्हें छोड़ देना, उनसे यह वायदा भी नहीं लेना कि संविधान के अंदर काम करेंगे, यह सही बात नहीं थी। मैं आपके या अटल जी के बयान में कोई दोा नहीं देखता, दोा केवल इतना ही है कि आपको यह कह देना चाहिए था कि जो भी अलगाव की प्रवृत्तियां इस प्रस्ताव में हैं, उनसे हम पूर्णत: असहमत हैं, आप लोगों ने यह नहीं कहा।

जब कहा कि इस प्रस्ताव पर हम विचार करेंगे तो जब वैको साहब जैसा आदमी आज कह रहा है कि इनसे असहमत नहीं हैं, उसकी कोई ध्वनि आप लोगों के बयानों

से नहीं निकलती। मामला पेचीदा है और इस पेचीदा मामले में गृह मंत्री और प्रधान मंत्री का बयान और पेचीदगी पैदा कर सकता है, और उससे पेचीदगी पैदा हुई है। मैं यह भी कहूंगा कि कुछ ध्वनि निकली चंडीगढ़ से। वैको साहब माफ करियेगा, कुछ बातें चेन्नई से भी निकलीं, असम के गोहाटी से उठीं। ये सारी बातें हैं और सोमनाथ जी कहने के लिए आपका मैं बड़ा आदर करता हूं, क्षमा कीजिएगा, स्टेट ऑटोनॉमी के नाम पर, इकोनॉमिक स्वायत्तता के नाम पर इन प्रवृत्तियों को बढ़ावा देना देश के लिए खतरनाक साबित हो सकता है। मैं आपसे निवेदन करूंगा, बार-बार कहा जाता है और मैं जानता हूं, इसके लिए मेरी बड़ी आलोचना होगी, कहां से फेडरल गवर्नमेंट हो गई? यह तो यूनीटरी गवर्नमेंट है, यूनियन गवर्नमेंट है। फेडरल गवर्नमेंट वहां होती है जहां स्टेट ऑटोनॉम्स हों और अपने को फेडेरेशन में जोड़ें। अचानक हमारे बुद्धिजीवियों ने, कुछ राजनीतिक नेताओं ने फेडरेशन की बात कही। रोज फेडरेशन की बातें मैं सुनता रहा हूं, लेकिन आज इन बातों को कहते समय शब्दों को इस्तेमाल करते समय हमें अधिक सचेत और सजग होना चाहिए, कल ये हमारे गले की फांसी बन सकते हैं, यह बात याद रखिये।

वैको साहब, मैं आपसे सहमत हूं। राज्यों को अधिक स्वायत्तता मिलनी चाहिए वित्तीय मामलों में, लेकिन आज राज्य विदेशी सरकारों से धन ले रहे हैं और केन्द्र की सरकार पर रोज दबाव डाल रहे हैं कि इसमें आप काउंटर गारंटी दें। काउंटर गारंटी आप केन्द्र सरकार से लेंगे और बाहर जाकर पैसा लेने का अधिकार आपको होगा और मांग करेंगे कि देश एक नहीं रह सकता, देश एक नहीं चल सकता। जो गरीब राज्य हैं, उनके लिए कहां से पैसा आएगा? मैं आपसे पूछता हूं कि तमिलनाडु के गरीब इलाकों के लिए आप प्लानिंग कमीशन के पास जाएंगे तो प्लानिंग कमीशन कहां से पैसा देगा? क्या होगा लेह-लद्दाख का, क्या होगा जैसलमेर, बाड़मेर का? संगमा जी चले गए, वे भी उन्हीं भावनाओं को कह रहे थे और रोज़ कहते हैं कि नॉर्थ ईस्टर्न स्टेट्स को अधिक से अधिक पैसा मिलना चाहिए। मैं जानता हूं बहुत सारी कमजोरियां हो सकती हैं ऐडमिनिस्ट्रेशन में। मैं उनमें नहीं जाना चाहता। उसके लिए हम सब लोग अपराधी हैं, लेकिन बहुत सोच समझकर यह संविधान बना था, बहुत सोच समझकर संविधान को पचास वर्षों तक लागू किया गया है। कमियों को दूर करने की कोशिश कीजिए। अपने सीमित स्वार्थों के लिए हम संविधान को बदलने की कोशिश न करें, भावनाओं को भड़काने की कोशिश न करें।

एक उदाहरण मैं देता हूं, कहीं मेरे मित्र यह न कह दें कि मैं सरकार का समर्थन कर रहा हूं। एक बात सरकार ने बहुत पहले कही कि नेचुरल कैलैमिटी फंड बनेगा। अगर कहीं भी प्राकृतिक आपदा होगी तो वहां केन्द्र सरकार की ओर से पैसा दिया जाएगा। सरकारों ने कहा कि पैसा केन्द्र के पास कैसे रहेगा। वह तो राज्य सरकारें शुरू में ही आपस में बांट लेती हैं और जब नैचुरल कैलामिटी होती है तो वहां पर केन्द्र सरकार कहती है कि आप लोन के रूप में पैसा ले जाओ। फिर हल्ला मचता है कि आपदा आई हुई है, ये तो ऋण दे रहे हैं, मदद नहीं कर रहे हैं। एक ओर पैसा बांट लोगे दूसरी ओर केन्द्र से कहेंगे कि हमें पैसा नहीं देते, यह देश को चलाने का रास्ता नहीं है, यह देश को बरबादी की ओर ले जाने का रास्ता है। मैं आपसे कहना चाहता हूं कि इन सारे भाषणों में एक दो को छोड़कर हर सवाल वह उठाए गए जिनसे हममें आपसी मतभेद, आपसी दुराव पैदा हों। मैं ऐसा कहता हूं कि दुख का समय है, बड़े अंधेरे का समय है, ऐसे समय में अपने आपसी मतभेदों को भुलाकर काम करना चाहिए। मैं इस बात से ज़रूर सहमत हूं और याद रखिये अगर फारूख अब्दुल्ला से आप बात नहीं करेंगे तो कोई दूसरा बात करने वाला आपको कश्मीर में नहीं मिलेगा। इसलिए ज़रूरी नहीं कि हम उनसे असहमत हों। अगर आज अटल बिहारी वाजपेयी और लाल कृष्ण आडवाणी बात नहीं करेंगे तो मैं चाहते हुए भी सोमनाथ चटर्जी, मुलायम सिंह और दासमुंशी जी को इस काम के लिए नहीं भेज सकता। आज राजनीति वास्तविकताओं पर आधारित है, यथार्थ पर आधारित है। यथार्थ को भूलकर लंबे भाषणों का समय आज नहीं है। यह अत्यंत दुर्भि संयोग है। मैं फिराक के एक शेर से अपनी बात समाप्त करना चाहता हूं :--

" इन खंडहरों में कहीं कुछ दिये हैं टूटे हुए

इन्हीं से काम चलाओ बड़ी उदास है रात।"

1925 बजे

<u>तत्पश्चात् लोक सभा गुरूवार, 27 फरवरी, 2000/5 श्रावण, 1922(शक)</u>

<u>के ग्यारह बजे तक के लिए स्थगित हुई।</u>